













A  
COLLECTION  
OF  
STATUTES,  
CONNECTED WITH THE  
GENERAL ADMINISTRATION OF THE LAW;

*ARRANGED*

ACCORDING TO  
THE ORDER OF SUBJECTS,  
WITH NOTES,

BY  
WILLIAM DAVID EVANS, ESQ.  
VICE-CHANCELLOR OF THE COUNTY PALATINE OF LANCASTER

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VOL. VII.

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LONDON:  
PRINTED FOR J. BUTTERWORTH AND SON, FLEET-STREET,  
AND J. COOKE, ORMOND-QUAY, DUBLIN.

1817.

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PRINTED BY C. WHEELER & SON,  
MANCHESTER,

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IN VOL. VII.

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# **PART VI.**

**JUSTICES OF PEACE.**





## PART VI. CLASS I.

### ALHOUSES.\*

#### No. 1.

5 and 6 Edwd. VI. c. 25. — For Keepers of Alhouses and Tiplinghouses to be bound by Recognisance.

‘FORASMUCH as intolerable Hurts and Troubles to the Commonwealth of this Realm doth daily grow and increase through such Abuses and Disorders as are had and used in common Alhouses and other Houses called Tipling-houses;’ (2) It is therefore enacted by the King our Sovereign Lord, with the Assent of the Lords and Commons in this present Parliament assembled, and by the Authority of the same, That the Justices of Peace within every Shire, City, Borough, Town Corporate, Franchise or Liberty within this Realm, or two of them at the least, (whereof one of them to be of the *Quorum*) shall have full Power and Authority by Virtue of this Act, within every Shire, City, Borough, Town

No. 1.  
5 & 6 Ed. VI.  
c. 25.  
Enforced by 1  
Jac. I. c. 9.  
None shall sell  
Ale or Beer with-  
out Licence, and  
they shall be  
bound by Re-  
cognisance.  
1 Show. 398.

\* No Mandamus can issue to Justices of Peace refusing to grant a License, 2 Str. 881; nor any action be maintained against them on that Account, *Bassett v. Godschall*. 3 Wils. 121. But the Court of King's Bench will grant an Information for a Refusal upon corrupt Motives, *R. v. Young and Pitts*. 1 Bur. 556.—*R. v. Athay*. 2 Bur. 653.—*R. v. Williams*, 3 Bur. 1317.—*R. v. Hume*. 3 Bur. 1716, 1786—or for improperly granting such License. *R. v. Holland*. 1 T. R. 692.



No. 1. Corporate, Franchise and Liberty, where they be Justices of Peace, to remove, discharge and put away common selling of Ale and Beer in the said common Alehouses and Tiplinghouses,

Justices of Peace may discharge common selling of Ale & Beer.

1 Bulst. 109.  
4 Mod 144.

Recognisance with Surety by those which do keep Alehouses.

ij. s. for making the Recognisance.

Recognisance must be certified at the next Quarter Sessions.

Inquiry of those which have forfeited their Recognisance.

The Punishment of those which contrary to the Commandment of the Justices do keep Alehouses.

in such Town or Towns and Places, where they shall think meet and convenient: (3) And that none after the first Day of May next coming shall be admitted or suffered to keep any common Alehouse or Tiplinghouse but such as shall be thereunto admitted and allowed in the open Sessions of the Peace, or else by two Justices of the Peace, whereof the one to be of the *Quorum*; (4) And that the said Justices of the Peace, or two of them, (whereof the one to be of the *Quorum*) shall take Bond and Surety from Time to Time by Recognisance of such as shall be admitted and allowed hereafter to keep any common Alehouse or Tiplinghouse, as well for and against the using of unlawful Games, as also for the Using and Maintenance of good Order and Rule to be had and used within the same, as by their Discretion shall be thought necessary and convenient; (5) for making of every which Recognisance, the Party or Parties that shall be so bound shall pay but twelve Pence.

II. And the said Justices shall certify the same Recognisance at the next Quarter Sessions of the Peace to be holden within the same Shire, City, Borough, Town Corporate, Franchise or Liberty, where such Alehouse or Tiplinghouse shall be; (2) the same Recognisance there to remain of Record before the Justices of Peace of that Shire, City, Borough, Town Corporate, Franchise or Liberty; (3) upon Pain of Forfeiture to the King for every such Recognisance taken and not certified, *ij. li. vj. s. viij. d.*

III. And it is further enacted by the Authority aforesaid, That the Justices of the Peace of every Shire, City, Borough, Town Corporate, Franchise and Liberty, where such Recognisance shall be taken, shall have Power and Authority by this Act, in their Quarter-Sessions of the Peace, by Presentment, Information, or otherwise by their Discretion, to enquire of all such Persons as shall be admitted and allowed to keep any Alehouse or Tiplinghouse, and that be bound by Recognisance as is abovesaid, if they or any of them have done any Act or Acts whereby they or any of them have forfeited the same Recognisance; (2) And the said Justices of every Shire, and Places where they be Justices, shall upon every such Presentment or Information award Process against every such Person so presented or complained upon before them, to shew why he should not forfeit his Recognisance; (3) and shall have full Power and Authority by this Act to hear and to determine the same by all such Ways and Means as by their Discretion shall be thought good.

IV. And it is further enacted by the Authority aforesaid, That if any Person or Persons, other than such as shall be hereafter admitted or allowed by the said Justices, shall after the said first day of May obstinately and upon his own Authority, take upon him or them to keep a common Alehouse or Tiplinghouse, or shall contrary to the Commandment of

the said Justices, or two of them, use commonly selling of Ale and Beer: That then the said Justices of Peace, or two of them, (whereof one to be of the *Quorum*;) shall for every such Offence commit every such Person or Persons so offending to the common Gaol within the said Shire, City, Borough, Town Corporate, Franchise or Liberty, there to remain without Bail or Mainprise by the Space of three Days; (2) and before his or their Deliverance, the said Justices shall take Recognisance for him or them so committed, with two Sureties, that he or they shall not keep any common Alehouse, Tiplinghouse, or use commonly selling of Ale or Beer, as by the Discretion of the said Justices shall seem convenient.

V. And the said Justices shall make Certificate of every such Recognisance and Offence at the next Quarter-Sessions, that shall be holden within the same Shire, City, Borough, Town Corporate, Franchise or Liberty, where the same shall be committed or done; (2) which Certificate shall be a sufficient Conviction in the Law of the same Offence. (3) And the said Justices of Peace, upon the said Certificate made, shall in open Sessions assess the Fine for every such Offence at xx. s.

VI. Provided alway, That in such Towns and Places where any Fair or Fairs shall be kept, that for the Time only of the same Fair or Fairs it shall be lawful for every Person and Persons to use common selling of Ale or Beer in Booths or other Places there, for the Relief of the King's Subjects that shall repair to the same, in such like manner and sort as hath been used or done in Time passed; this Act, or any thing therein contained, to the contrary notwithstanding. 11 H. 7. c. 2. & Ja. 1. c. 4.

## No. 2.

1 James I. c. 9. — An Act to restrain the inordinate Haunting and Tipling in Inns, Alehouses, and other Victuallling-houses.

**W**HEREAS the ancient, true and principal Use of Inns, Alehouses and Victuallling-houses was for the Receipt, Relief and Lodging of Wayfaring People travelling from Place to Place, and for such supply of the Wants of such People as are not able by greater Quantities to make their Provision of Victuals, and not meant for Entertainment and Harboursing of lewd and idle People to spend and consume their money and their time in lewd and drunken manner:

II. Be it therefore enacted by the King's most excellent Majesty, the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if after forty Days next ensuing after the End of this present Session of Parliament, any Inn-keeper, Victualler or Alehouse-keeper, within this Realm of England or the

No. 1.  
5 & 6 Ed. VI.  
c. 25.

Altered by 3  
Car. I. c. 3 §. 2.  
Palmer 388.  
1 Salk. 45.

Certificate of  
the recognisance  
and offence at  
the Quarter Ses-  
sions.

The Fine of  
these which  
keep Alehouse  
without Licence.

A Proviso for  
Towns where  
Fairs be kept.

No. 2.  
1 J. I. c. 9.

The true and  
principal Use of  
Inns and Ale-  
houses.

The Forfeiture of an Ale-  
house-keeper  
permitting one  
to continue un-  
lawful Drinking  
in his House.

**No. 2.** Dominion of *Wales*, do permit or suffer any Person or Persons inhabiting and dwelling in any City, Town Corporate, Market Town, Village or Hamlet, within this Realm of *England* or Dominion of *Wales*, where any such Inn, Alehouse or Tipling-house is or shall be, to remain and continue drinking or tipling in the said Inn, Victualling-house, Tipling-house or Ale-house; (2) other than such as shall be invited by any Traveller, and shall accompany him only during his necessary Abode there; (3) and other than Labouring and Handicraftsmen in Cities and Towns Corporate, and Market-Towns, upon the usual Working-days, for one Hour at Dinner-time to take their Diet in an Alehouse; (4) and other than Labourers and Workmen, which for the following of their Work by the Day or by the Great, in any City, Town Corporate, Market-Town or Village, shall for the time of their said continuing in Work there, Sojourn, Lodge or Victual in any Inn, Alehouse or other Victualling-house: (5) Other than for urgent and necessary Occasions to be allowed by two Justices of Peace; That then every such Inn-keeper, Victualler or Alehouse-keeper, shall for every such offence forfeit and lose the Sum of ten Shillings of current Money of *England*, to the Use of the Poor of the Parish where such Offence shall be committed; (6) the same Offence being viewed and seen by any Mayor, Bailiff or Justice of Peace, within their several Limits, or proved by the Oath of two Witnesses, to be taken before any Mayor, Bailiff or any other Head Officer, or any one or more Justice or Justices of the Peace, who by virtue of this Act shall be authorized to administer the said Oath to any Person or Persons that can or will justify the same, being within the Limits of their said Commission.

Farther Provisions relating hereto,  
1 J. I. c. 4.  
21 Jac. I. c. 7.  
sect. 1.

One Witness sufficient.  
The Prices of Ale & Beer sold in an Inn or Ale-house.

**III.** And be it further enacted by the Authority aforesaid, That if any Inn-keeper, Alehouse-keeper or Victualler, shall at any Time utter or sell less than one full Ale-quart of the best Beer or Ale for a Penny, and of the Small two Quarts for one Penny, that then every such Inn-keeper, Alehouse-keeper or Victualler, shall forfeit for every such Offence, being duly proved in manner above limited, the Sum of Twenty Shillings of lawful Money of *England* to the Use abovesaid: (2) All and every the said Penalties to be levied by the Constables or Churchwardens of the Parish or Parishes where the Offence or Offences shall be committed, by way of Distress to be taken and detained for the said Forfeitures, and for Default of Satisfaction within Six Days next ensuing, the same then to be presently appraised and sold, and the Surplusage or Remainder over and above to be delivered to the Party of whom the Distress was taken; (3) and for want of sufficient Distress the Party or Parties offending to be by the Mayor, Bailiff, or other Head Officer, or Justice or Justices aforesaid, committed to the common Gaol, there to remain until the said Penalty or Penalties be truly paid. (1)

(1) By 2 Geo. 3. c. 11. no Innkeeper, &c. shall be sued for enhancing the Price of Ale to a reasonable Degree.

IV. And be it further enacted by the Authority aforesaid, That if the Constables or Church-wardens do neglect their Duty in levying, or do not levy the said several Penalties, or in default of Distress or Distresses, from time to time do neglect to certify the same Default of Distress by the Space of twenty Days then next ensuing, to the Mayor, Bailiff, other head Officer or Justice of Peace within whose Jurisdiction the Offence is committed, then every Person and Persons so offending shall forfeit for every such Default the Sum of forty Shillings of current Money of *England*, to the Use of the Poor of the Parish where such Offence shall be committed; (2) to be levied by way of Distress of the Offender's Goods, by Warrant from any one or more Justice or Justices of the Peace, Mayor, Bailiff, or other head Officer, within the Limits of their Jurisdictions respectively, under his or their Hand and Seal to be taken and detained for the said Forfeitures, for the Space of six Days then next ensuing: Within which Time if Payment be not made, the same Goods to be presently appraised and sold, and the Surplusage and Remainder over and above (if any be) to be delivered to the Party of whom the Distress was taken; (3) and for want of such sufficient Distress the Constables, Church-warden or Church-wardens so offending, to be by the Mayor, Bailiff, or other head Officer, Justice or Justices of Peace, committed to the common Gaol, there to remain until the said Penalty or Penalties be truly paid; (4) for all which Penalties which so shall be levied by the said Constables or Church-wardens, they the said Constables and Church-wardens shall be accountable to their Successors and other the Parishioners, in such sort as they usually be in other Church-reckonings or Accounts: (5) And for all Forfeitures to be levied by reason of any Neglect of the Constables or Church-wardens, those shall be accountable who by force of any Warrant or Precept do levy the same, or upon the Enlargement of Persons committed do receive the same.

No. 2.  
1 J. I. c. 9.

The Penalty  
of the Constables or Church-wardens omitting their Duty.

The Constable  
& Churchwarden's Account.

V. And be it further enacted, That all other Laws and Statutes touching Inn-keepers, Victuallers and Alehouse-keepers, shall still remain in their former Force, and be put in due Execution. (2) This Act to continue to the End of the first Session of the next Parliament.

12 H. 7. c. 2.  
5 & 6 Ed. 6.  
c. 25

The Continuance of this Statute.

VI. Provided always, and be it enacted by the Authority of this present Parliament, That the Correction and Punishment of such as shall offend against this Act or any Part thereof, within either of the two Universities of this Realm or the Precincts or Liberties of the same, shall be done upon the Offenders, and Justice shall be ministred in this Behalf, according to the Intent and true Meaning of this Law, by the Governors, Magistrates, Justices of the Peace, or other principal Officers of either of the same Universities, to whom in other Cases the Administration of Justice, and Correction and Punishment of Offenders by the Laws of this Realm and their several Charters doth belong or appertain, and that no other within their Liberties, for any matter concern-

Offences committed within the Universities.

No. 2. ing this Law, contrary to their several Charters, do inter-  
 1 J. I. c. 9. meddle; (2) and that all Penalties and Sums of Money to  
 be forfeited or lost by force of this Act, within either of the  
 Universities or the Liberties or Precincts of the same, shall  
 be levied by the Officers or Ministers of either of the said  
 Universities, to be from time to time in that Behalf appointed  
 by the Vice-chancellors thereof for the Time being respec-  
 tively; (3) and that all Powers and Authorities either of  
 Imprisonment or otherwise before given or appointed by this  
 Act, shall by the Governors, Magistrates and principal Officers  
 abovesaid of either of the said Universities, be duly executed  
 and done within either of the said Universities and the  
 Liberties and Precincts of the same, according to the true  
 Intent and Meaning of this Act. [Made perpetual by 21  
 Jac. 1. c. 7. §. 1.]

### No. 3.

4 James 1. c. 5. — An Act for repressing the odious and  
 loathsome Sin and Drunkenness.

No. 3. ' **W**HEREAS the odious and loathsome Sin of Drunken-  
 4 J. I. c. 5. ness is of late grown into common Use within this  
 Realm, being the Root and Foundation of many other enor-  
 mous Sins, as Bloodshed, Stabbing, Murder, Swearing,  
 Fornication, Adultery, and such like, to the great Dishonour  
 of God, and of our Nation, the Overthrow of many good  
 Arts and manual Trades, the Disabling of divers Workmen,  
 and the general impoverishing of many good Subjects, abu-  
 sively wasting the good Creatures of God :'  
 II. Be it therefore enacted by the King's most Excellent  
 Majesty, the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the  
 same, That all and every Person or Persons, which after forty  
 Days next following the End of this present Session of Parlia-  
 ment, shall be drunk, and of the same Offence of Drunken-  
 ness shall be lawfully convicted, shall for every such Offence  
 forfeit and lose five Shillings of lawful Money of England, to  
 be paid within one week next after his, her or their Conviction  
 thereof, to the Hands of the Churchwardens of that Parish  
 where the Offence shall be committed, who shall be accounta-  
 ble therefore to the Use of the Poor of the same Parish; (2) And  
 if the said Person or Persons so convicted shall refuse or  
 neglect to pay the said Forfeiture as aforesaid, then the same  
 shall be from Time to Time levied of the Goods of every such  
 Person or Persons so refusing or neglecting to pay the same,  
 by Warrant or Precept from the same Court, Judge or Justices  
 before whom the same Conviction shall be: (3) And if the  
 Offender or Offenders be not able to pay the said Sum of five

The Penalty  
 of a Drunk-  
 ard, and of him  
 that continu-  
 eth drinking in  
 an Alehouse.  
 Drunkenness  
 the Foundation  
 of many other  
 Sins, and the  
 Cause of several  
 Enormities.  
 1 Salk 45.

The Forfeiture of him that  
 is convicted of  
 Drunkenness.  
 7 Jac. 1. c. 5. to.

The Penalty  
 for refusing or  
 being not able  
 to pay the For-  
 feiture.

Shillings, then the Offender or Offenders shall be committed to the Stocks for every Offence, there to remain by the Space of six Hours. No. 3.  
4 J. I. c. 5.

III. And be it further enacted by the Authority aforesaid, That if any Constable, or any other inferior Officer of that Parish or Place where the Offence shall be committed, to whom that shall be given in Charge by the Precept of any Mayor, Bailiff, or other head Officer, or Justices of the Peace within their several Limits, do neglect the due Correction of the said Offender, or the due Levying of the said Penalties, where Distress may be had; Then every Person so offending shall forfeit the Sum of ten Shillings of current Money of England, to the Use of the Poor of the same Parish or Place where the Offence shall be committed, to be levied by way of Distress, by any other Person or Persons having Warrant from any Mayor, Bailiff, or other Head Officer, Justices of Peace, or Court, where any such Conviction shall be, and to be paid to the Churchwardens as before limited, who are also to account for the same to the Use aforesaid. The Forfeiture of an inferior Officer that doth neglect to do his Duty.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons within this Realm of England, or the Dominion of Wales, shall remain or continue drinking or tipling in any Inn, Victualling-house or Alehouse, being in the same City, Town, Village or Hamlet, wherein the said Person or Persons (so remaining drinking or tipling) doth dwell and inhabit at the Time of such Drinking and Tipling; and the same being viewed and seen by any Mayor or other Head Officer, Justice or Justices of Peace, within their several Limits, or duly proved in such Manner and Form as is limited in and by one Act of Parliament made in the first Session of this present Parliament, intituled, *An Act to restrain the inordinate Haunting and Tipling in Inns, Alehouses and other Victualling-houses*, unless it be in such Case or Cases as be tolerated or accepted in the said Act; That then every Person or Persons so offending shall forfeit and lose for every such Offence, the Sum of three Shillings and four Pence of current Money of England, to the Use of the Poor of the Parish where the said Offence shall be committed, to be levied by way of Distress, in such Manner and Form as is before appointed by this Act, for the levying of the Penalty of five Shillings for being drunk: (2) And if it happen that any Offender or Offenders against the true Intent of this Clause or Branch, being thereof lawfully convicted, be not able to pay the said Forfeiture or Forfeitures; Then it shall and may be lawful for any Mayor, Bailiff or other Head Officer, Justice or Justices of Peace, or Court, where any such Convictions shall be, to punish the said Offender or Offenders by setting him, her or them in the Stocks for every such Offence, by the space of four Hours. The Penalty for continuing drinking in an Alehouse, &c. 7 J. I. c. 10.  
Farther Provisions relating hereto, 1 Car. I. c. 4.  
1 J. I. c. 9.

V. For the more due Execution of this Statute, and for the better and more due Proceeding against such Offenders, all Offences of Drunkenness, and of Excess and unmeasurable Drinking, (2) Be it further enacted by the Authority of this What Officers shall enquire of and punish the Offences com-

No. 3. present Parliament, That all the Offences in this Act, and  
 4 J. I. c. 5 in the said former Act mentioned, shall be from Time to  
 Time diligently enquired of and presented before the Justices  
 of Assizes in their Circuit, Justices of the Peace in their  
 Quarter or Ordinary Sessions, and before the Mayors, Bailiffs  
 or other Head Officers of every City or Town Corporate, who  
 have Power to enquire of Trespasses, Riots, Routs, Forces  
 and such like Offences, and in every Court Leet, and there-  
 upon such due Proceedings shall be against the Offender and  
 Offenders for their due Conviction in that Behalf, as in such  
 like Cases upon any Indictment or Presentment is used by the  
 Laws of the Realm, or Customs of the City, Town or Place  
 where such Presentment or Indictment shall be enquired of and  
 found.

VI. And it is further enacted by the Authority aforesaid,  
 That if any Person or Persons, being once lawfully convicted  
 of the said Offence of Drunkenness, shall alter that be again  
 lawfully convicted of the like Offence of Drunkenness, That  
 then every Person and Persons so secondly convicted of the  
 said Offence of Drunkenness, shall be bounden with two  
 Sureties to our Sovereign Lord the King's Majesty, his Heirs  
 and Successors, in one Recognizance or Obligation of ten  
 Pounds, with Condition to be from thenceforth of good Beha-  
 viour.

VII. Be it further enacted by the Authority aforesaid,  
 That all Constables, Churchwardens, Headboroughs, Tything-  
 men, Aleconners and Sidemen, shall in their several Oaths  
 present the Offences contrary to this Statute..

VIII. Provided always, That this Act, or any Thing  
 therein contained, do not in any wise abridge or restrain the  
 Ecclesiastical Power or Jurisdiction, but that all Ordinaries,  
 and other Ecclesiastical Justices and Officers, shall and may  
 proceed to enquire of, censure and punish all such Offenders  
 according to the Ecclesiastical Laws of this Realm, in such  
 Manner and Form as before they lawfully might do; any  
 Thing in this Act to the contrary notwithstanding.

IX. Provided also, That when any of the Offenders  
 against the true Intent of this Act, or any Branch or Article  
 thereof, hath been once punished or corrected for his or her  
 Offence, by any the Ways and Means before limited; that then  
 the said Offender shall not be afterwards punished or corrected for  
 the same Offence by any other Ways or Means.

X. Provided always, That this Act, or any Thing therein  
 contained, shall not be prejudicial to either of the two Univer-  
 sities of this Land, but that the Chancellors, Masters and  
 Scholars, and the Successors of them and either of them, may  
 as fully use and enjoy all their Jurisdictions, Rights, Privileges  
 and Charters, as heretofore they have or might have done; any  
 Thing in this Act to the contrary notwithstanding.

XI. Provided always, That no Person or Persons shall be  
 punished, impeached or molested for any Offence mentioned  
 in this Statute, unless he shall be for the same Offence present-

ed, indicted or convicted within six Months after such No. 3.  
 Offence committed: (2) This Act to continue until the End of 4. J. I. c. 5.  
 the first Session of the next Parliament. [Made perpetual by The Continu-  
 21 Jac. I. c. 7. but see 21 Jac. I. c. 28. which only continues ance of this Act.  
 it to the End of the first Session of the next Parliament. En-  
 forced as perpetual by 1 Car. I. c. 4.]

## No. 4.

21 James I. c. 7.—An Act for the better repressing of  
 Drunkenness, and restraining the inordinate haunt-  
 ing of Inns, Alehouses, and other Victualling-  
 houses.

‘WHEREAS one Statute, intituled, *An Act to restrain the* No. 4.  
*inordinate Haunting or Tipling in Inns, Alehouses and* 21 J. I. c. 7.  
*other Victualling-houses,* made in the first year of his Highness The Statute  
 ‘happy Reign of England, and another Statute, intituled, *An* of 1 Jac. I. c. 9.  
 ‘*Act to repress the odious and loathsome Sin of Drunkenness,* 4 Jac. I. c. 5.  
 ‘made in the fourth Year of his Highness Reign of England, made perpetual.  
 ‘were made to continue to the End of the first Session of the  
 ‘next Parliament, and by Experience have been found good  
 ‘and necessary Laws;’ Be it therefore enacted, That the said  
 Statutes, with the Alterations and Additions hereafter expressed,  
 shall be put in due Execution and continue for ever: (2) And  
 whereas by the said Statutes, Proof of two Witnesses is  
 required, Be it enacted, That Proof of one Witness from  
 henceforth shall be allowed and taken for sufficient in that  
 Behalf: (3) And that the voluntary Confession (before any  
 such Persons as by the said Act are authorised to minister the  
 Oath) of any Person offending either of the said Statutes, shall  
 suffice to convict the Person so offending; (4) after such Con-  
 fession, the Oath of the Party so confessing shall and may be  
 taken, and be a sufficient Proof against any other offending at  
 the same Time.

II. And be it further enacted, That if any other Person or  
 Persons, wheresoever his or their Habitation or Abiding be,  
 shall at any Time hereafter be found upon View, or his own  
 Confession, or Proof of one Witness, to be Tipling in any Inn,  
 Alehouse or Victualling-house, such Person or Persons shall be  
 from henceforth adjudged and construed to be within the said  
 Statutes, as if he or they had inhabited and dwelt in the City,  
 Town Corporate, Market-town, Village or Hamlet where the  
 said Inn, Alehouse or Victualling-house is or shall be, where  
 he or they shall be so found tipling, and shall incur the like  
 Penalty, and the same to be in such Sort levied and disposed,  
 as in the said Act is expressed concerning such as there inhabit:  
 (2) And the voluntary Confession of such Person or Persons so  
 offending, before such as by the said Statutes are authorised to

One Witness  
 shall be suffi-  
 cient to convict a  
 Man of Tipling  
 & Drunkenness.  
 5 & 6 Ed VI.  
 c. 5.

The Oath of  
 him that con-  
 fesseth the Of-  
 fence shall be a  
 sufficient Proof  
 against any  
 other.

He that stays  
 Tipling in an  
 Inn, &c. shall  
 incur the Pen-  
 alty inflicted by  
 4 Jac I c 5.  
 Burn I. 1. 20.  
 1 How. P. C.  
 c. 78.



No. 4. minister the Oath, shall suffice to convict themselves; (3) and  
 21 J. I. c. 7. after such Confession, the Oath of such Person or Persons so  
 confessing, shall and may be taken by such as by the said Act  
 have Authority to minister an Oath, and shall be a sufficient  
 Proof against any other offending at that Time.

III. And be it further enacted, That any Justice of Peace  
 in any County, and any Justice of Peace or other head Officer  
 in any City or Town Corporate, within their Limits respec-  
 tively, shall from henceforth have Power and Authority, upon  
 his own View, Confession of the Party, or Proof of one Witness  
 upon Oath before him, which he by Virtue of this Act shall  
 have Power to administer, to convict any Person of the Offence  
 of Drunkenness, whereby such Person so convicted shall incur  
 the Forfeiture of five Shillings for every such Offence, and the  
 same to be levied, or the Offender otherwise punished, as in  
 the said Statute is appointed: And for the second Offence he  
 shall become bound to the good Behaviour, as if he had been  
 convicted in open Sessions: any Thing in the said former Sta-  
 tute made in the fourth Year of his Majesty's Reign to the  
 contrary notwithstanding.

IV. And be it further enacted, That if any Person being  
 an Alehouse-keeper, or that shall at any Time hereafter be an  
 Alehouse keeper, shall at any Time hereafter be lawfully con-  
 vict for any Offence against any the Branches of either of the  
 said two former Statutes, according to the Alterations and Ad-  
 ditions therein contained, or against the true Meaning of this  
 present Statute; That every Person so convict shall for the  
 Space of three Years next ensuing the said Conviction be  
 utterly disabled to keep any such Alehouse.

V. And whereas in the said Statute made in the fourth  
 Year of his said Majesty's Reign, intituled, *An Act to repress*  
*the odious and loathsome Sin of Drunkenness*, Constables,  
 Churchwardens, Headboroughs, Tything-men, Aleconners  
 and Sidemen are appointed in the Oaths incident to their  
 Offices, to be likewise charged to present the Offences con-  
 trary to the said Statute; (2) Be it enacted, That the said  
 Oath shall always hereafter be also enlarged, and extend to  
 present all Offences done contrary to the Statute made in the  
 first Session of Parliament held in the first Year of his Highness  
 Reign, intituled, *An Act to restrain the inordinate Haunting and*  
*Tipling in Inns and Alehouses, and other Victualling-houses*, with  
 the Alterations and Additions in this Act contained, made in  
 the said fourth Year of his said Majesty's Reign, according  
 to the Alterations and Additions of the same in this Act  
 expressed. 1 Car. I. c. 4.

He that is con-  
 victed of Drun-  
 kenness shall  
 forfeit 5s.

For the second  
 Offence he shall  
 be bound to the  
 good Behaviour.

An Alehouse-  
 keeper offend-  
 ing shall be dis-  
 abled from keep-  
 ing an Alehouse  
 three years af-  
 ter.

4 Jac. I. c. 5.  
 Constables, &c.  
 shall be charged  
 (on their Oaths)  
 to present the  
 Offences com-  
 mitted against  
 1 Jac. I. c. 9.

## No. 5.

## 1 Cha. I. c. 4. — An Act for the further Restraint of Tippling in Inns, Alehouses, and other Victualling-houses.

**W**HEREAS in the last Parliament it was enacted, That No. 5.  
 if any Person or Persons, wheresoever his or their 1 Cha. I. c. 4.  
 Habitation or Abiding be, should after be found upon View, 5 & 6 Ed. VI.  
 or his own Confession, or Proof of one Witness, to be Tip- c. 25  
 pling in an Inn, Alehouse or Victualling-house; such Person Foreigners, as  
 or Persons should be thenceforth adjudged and construed to be well as Inhabi-  
 within the Statutes of the first and fourth Years of the late tants shall not  
 King's Majesty's Reign, King *James* of famous Memory; the be permitted to  
 one intituled, "An Act to restrain the inordinate Haunting tipple in Inns,  
 of Tippling in Inns, Alehouses and other Victualling-houses;" Alehouses, &c.  
 and the other intituled, "An Act to repress the odious and 1 Jac. I. c. 9.  
 loathsome Sin of Drunkenness;" as if he or they had inha- 4 Jac. I. c. 5.  
 bited and dwelled in the City, Town Corporate, Market-  
 Town, Village or Hamlet where the Inn, Alehouse or  
 Victualling-house was or should be, where he or they should  
 be so found Tippling, should incur the like Penalty, and the  
 same to be in such sort levied and disposed, as in the said Act  
 is expressed, concerning such as there inhabit; (2) but no  
 Punishment by any or either of the said Acts, or by any other  
 Statute, is inflicted upon the Inn-keeper, Alehouse-keeper,  
 or Victualler, that permits or suffers such Person or Persons  
 not there inhabiting to tipple in his Inn, Alehouse, or Vic-  
 tualling-house: (3) For Remedy whereof. Be it enacted,  
 That every Innkeeper, Alehouse-keeper and other Victualler,  
 that at any Time after the End of this Session of Parliament  
 shall permit and suffer any Person or Persons not inhabiting in  
 the City, Town Corporate, Market-Town, Village or Hamlet,  
 where such Inn, Alehouse, or Victualling-house is or shall be,  
 to tipple in the said Inn, Alehouse or Victualling-house, con-  
 trary to the true Intent of any or either of the said former  
 Statutes, the said Inn-keeper, Alehouse-keeper and Victualler  
 so offending shall incur the same Penalty, and in such Manner  
 to be proved, levied and disposed, as in the former Statute of  
 the first Year of his said late Majesty's Reign is appointed for 1 Jac. I. c. 9.  
 permitting such to tipple as dwell in the same City, Town-  
 Corporate, Market-Town, Village or Hamlet.

II. And be it further enacted, That the Keepers of Vintners and  
 Taverns, and such as do sell Wine in their Houses, and do Victuallers to  
 also keep Inns or Victualling in their Houses, shall be taken to be within this  
 be within the said two former Statutes, and also within this and the other  
 Statute. Statutes.

## No. 6.

26 George II. c. 31.—An Act for regulating the Manner of licensing Alehouses in that Part of *Great Britain* called *England*; and for the more easy convicting Persons selling Ale and other Liquors without Licence.

No. 6.  
26 G. II. c. 31.  
See 1 Bur. 556.

Justices licensing Alehouses, &c. to take Recognizance in the Sum of 10l. for the Maintenance of good Order.

**W**HEREAS the Laws concerning Ale-houses, Inns and Victualling-houses, and the Licensing thereof, are defective and insufficient for correcting and suppressing the Abuses and Disorders frequently done and committed therein, and also for the Conviction and due Punishment of Persons taking upon themselves to sell Ale, Beer or other Liquors by Retail without Licence; Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon granting Licences by Justices of the Peace to any Person to keep an Alehouse, Inn, Victualling-house, or to sell Ale, Beer and other Liquors by Retail, every such Person shall enter into a Recognizance to the King's Majesty, his Heirs and Successors, in the Sum of ten Pounds, with two sufficient Sureties, each in the Sum of five Pounds, or one sufficient Surety in the Sum of ten Pounds, under the usual Condition, for Maintenance of good Order and Rule within the same; and in case the Person applying for such Licence shall be hindered through Sickness or Infirmary, or any other reasonable Cause, to be allowed by the said Justices of the Peace to attend in Person at the Meetings of the same Justices for granting the said Licences, then that it shall and may be lawful for them to grant such Licence, upon two sufficient Sureties entering into such Recognizance, each in the Penalty of ten Pounds, for Performance of the Condition of the said Recognizance; which said Recognizance, with the Condition thereof, fairly written or printed, shall forthwith, or at the next General or Quarter-Session of the Peace at farthest, after granting such Licences, be sent or returned to the Clerks of the Peace, or Persons acting as such, for every County, Riding, City, Liberty or Town Corporate, in that Part of *Great Britain* called *England*, wherein such Licences shall be granted, under the Hands of the Justices of the Peace before whom such Recognizances were taken, to be by the said Clerks of the Peace, or such other Person acting as such, duly entered or filed amongst the Records of the Sessions of the Peace; and that for every such Licence granted without taking such Recognizance, and for every such Recognizance taken, and not sent or returned as aforesaid, every Justice of the Peace signing such Licence shall forfeit the Sum of three Pounds six Shillings and eight Pence.



II. And for the better preventing Disorders in Alehouses, No. 6.  
 be it further enacted, That no Licence to keep the same shall <sup>26 G. II. c. 37.</sup>  
 be granted to any Person not licensed the Year preceding,  
 unless such Person produce at the General Meeting of the <sup>Licences to</sup>  
 Justices in September a Certificate under the Hands of the <sup>be granted to</sup>  
 Parson, Vicar or Curate, and the major Part of the Church- <sup>none not licens-</sup>  
 wardens and Overseers, or else of three or four reputable and <sup>ed the Year</sup>  
 substantial Householders and Inhabitants (1.) of the Parish or <sup>preceding, un-</sup>  
 Place where such Alehouse is to be, setting forth such Person <sup>less such as shall</sup>  
 is of good Fame and of sober Life and Conversation; and <sup>produce Certifi-</sup>  
 it shall be mentioned in such Licence, that such Certificate <sup>cates of their</sup>  
 was produced, otherwise such Licence shall be null and <sup>good Fame.</sup>  
 void.

III. Provided nevertheless, That if any licensed Person <sup>Licensed Per-</sup>  
 should die or remove from an Alehouse, it shall be lawful <sup>son dying or</sup>  
 for the Person succeeding to such House to keep on the said <sup>removing, the</sup>  
 Alehouse during the Residue of the Term of such Licence, <sup>Successor, upon</sup>  
 on Condition that within thirty Days after such Death or <sup>obtaining such</sup>  
 Removal such Person obtain such Certificate as aforesaid, <sup>Certificate, may</sup>  
 to be signed by some neighbouring Justice, in order to its <sup>keep on the</sup>  
 being produced at the next General Meeting in September; <sup>House for the</sup>  
 and if such Certificate be not so obtained and signed within <sup>Residue of the</sup>  
 the said thirty Days, then immediately from and after the <sup>Term of the Li-</sup>  
 Expiration thereof, such Licence shall be null and void; <sup>cence, &c.</sup>  
 and no Licence shall intitle any Person to keep an Alehouse   
 in any other Place than that in which it was first kept by   
 virtue of such Licence, and such Licence, with regard to all   
 other Places, shall be null and void.

IV. Whereas by an Act made in the second Year of his <sup>2 Geo. 2. c.</sup>  
 present Majesty's Reign, intituled, *An Act to revive the* <sup>28. § 11.</sup>  
*Laws therein mentioned*; amongst other Things it was enacted,  
 That no Licence shall be granted to any Person to keep  
 a common Inn or Alehouse, or to retail any Brandy or strong  
 Waters, but at a general Meeting of the Justices of the  
 Peace acting in the Division where the said Person dwells,  
 to be holden on the first day of September yearly, or within  
 twenty Days after; or at any other General Meeting of the  
 said Justices to be holden for the Division wherein the said  
 Person resides; which Regulation, by reason of the last-  
 mentioned Provision, has been found by Experience not to  
 have the Effect intended by the said Regulation; Be it  
 therefore enacted by the Authority aforesaid, That the last  
 before-mentioned Provision shall be and is hereby repealed;  
 and that from henceforth no Licence for the Purposes aforesaid  
 shall be granted, but on the first day of September yearly, or  
 within twenty Days after; and that such Licence shall be made <sup>Last Provision</sup>  
 for one Year only, to commence on the twenty-ninth Day of <sup>in the said</sup>  
 said September; and that the Day and Place for granting such <sup>Clause repealed.</sup>  
 Licences shall be appointed by two or more of the Justices <sup>Licenses to be</sup>  
<sup>granted on 1</sup>  
<sup>Sep. or 20 Days</sup>  
<sup>after, but for 1</sup>  
<sup>Year.</sup>

(1.) The Certificate of Householders, without the Minister or Church-  
 wardens, is sufficient R. v. Young. 1 Bur 556.



No. 6. acting for the Division (2.) by a Warrant under their Hands  
 26 G. II. c. 31. and Seals, at least ten Days before such Meeting, directed to the High Constable or High Constables of the said Division, requiring him or them to order his or their respective Petty Constables or other Peace Officers, to give Notice to the several Innkeepers, and Alehouse-keepers within their respective Constablowicks, of the Day and Place of such Meeting; and all Licences hereafter granted at any other Time or Place shall be null and void to all Intents and Purposes whatsoever.

Clerks of the Peace to deliver Copies of the Recognizances.

V. And be it further enacted, That the Clerks of the Peace shall keep a Register or Calendar of all the Recognizances so sent or returned, and shall deliver or cause to be delivered to the Justices of the Peace at their General Meetings in *September* every Year, for granting Licences in each Division or Place, a true Copy of such Register or Calendar; and that for every Recognizance there shall be paid\* by the Clerk or Clerks of the Justices taking such Recognizances to the said Clerks of the Peace, as their Fee for filing or recording the said Recognizance, and for making and delivering Copies of the said Register or Calendar thereof, as aforesaid, the Sum of one Shilling, and no more; which shall be paid to the Clerks of the said Justices by the Persons licensed, over and above the Fees payable to the said Justices Clerks.

Recovery of Forfeitures.

VI. And be it enacted by the Authority aforesaid, That the said Forfeitures for granting Licences without taking Recognizances, shall and may be sued for and recovered by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at *Westminster*, for the Use of the Person or Persons who shall sue or prosecute for the same, together with Costs of Suit; wherein no *Essoin*, *Wager of Law*, or more than one *Impar lance* shall be allowed.

\* Where a Justice shall adjudge the Recognizance to be forfeited, he is to summon the Party to the Quarter-Sessions, &c.

VII. And be it further enacted by the Authority aforesaid, That any Justice of the Peace of any County, Riding, City, Liberty or Town Corporate; wherein such Licence shall be granted, upon Complaint or Information that such licensed Person hath done or committed any Act, Offence or Misdemeanor, whereby in the Judgment of the same Justice such Recognizance may be forfeited, or the Condition thereof broken; may by Summons under his Hand and Seal require such Person so complained of, or informed against, to appear at the next General or Quarter-Session of the Peace for the said County, Riding, City, Liberty or Town Corporate, then and there to answer to the Matter of such Complaint or Information; and also may bind the Person or Persons who shall make such Complaint or Information, or any other Person or Persons, in a Recognizance to appear at such General or Quarter-Session, and give Evidence against such Person so complained

(2.) It is not necessary that the Licence should be stated on the Face of it, to be granted at a General Meeting of Justices for the Division. *R. v. Bryan*, And. 81.—Any Justice of the County going to a Meeting in the Division, is for that Purpose a Justice of the Division. *Per Aston* J. *R. v. Price* Caid 305

of or informed against; and the Justices of the Peace in their No. 6.  
 General or Quarter-Sessions shall have Power to direct the 26 G. II c. 31.  
 Jury which shall attend at such Sessions for the Trial of Tra-  
 verses, or some other Jury of twelve honest and substantial  
 Men, to be then and there impannelled by the Sheriff, with-  
 out Fee or Reward, to inquire of the Misdemeanor charged in  
 the said Complaint or Information; and if such Jury shall find  
 that the Person so complained of or informed against, hath  
 done any Act whereby the Condition of his Recognizance is  
 broken, such Act being specified in such Complaint or Infor-  
 mation, it shall and may be lawful for the Court at such Gene-  
 ral or Quarter-Sessions to adjudge such Person guilty of the  
 Breach of such Recognizance; which Verdict and Adjudica-  
 tion shall be final to all Intents and Purposes; and thereupon  
 the said Justices shall order the Recognizances entered into by  
 such Offender to be estreated into his Majesty's Court of  
*Exchequer*, to be levied to his Majesty's Use; and that the said  
 Person, the Condition of whose Recognizance shall be so  
 adjudged to be broken and forfeited, shall, from and after such  
 Adjudication, be utterly disabled to sell any Ale, Beer, Cyder, and he is disa-  
 bled from sell-  
 ing Beer, &c  
 Perry, Spirituous Liquors or strong Waters, for the Space of  
 three Years; and any Licence or Licences granted or to be  
 granted to such Person during such Term, shall be void, and  
 of none Effect.

VIII. Provided, That the said Justices may at the Request Justices may  
 of the Prosecutor or Party so complained of, or informed adjourn Trial  
 against, or either of his or her Sureties, if they shall see just,  
 adjourn the Hearing and Trial of the said Complaint or Infor-  
 mation to the then next General or Quarter-Sessions of the  
 Peace, where the same shall be finally determined.

IX. And whereas many Persons presume to sell Ale,  
 Beer, Cyder, Perry or other Liquors, without such Licence as  
 is required by Law for selling the same; and it is difficult by  
 reason of many Evasions that are made use of, and by some  
 Defects in former Laws, to convict such Offenders; Be it  
 therefore enacted, That where any Justice of the Peace shall  
 suspect that any Alehouse-keeper, Victualler or Retailer, sells  
 Ale, Beer, Cyder or Perry, without such Licence, it shall  
 and may be lawful for such Justice to call such suspected Per-  
 son before him, and also any Excise Officer or Gauger, to  
 produce before such Justice his Stock Book, or other Account  
 which such Officer keeps, of the Charge or Survey of such  
 suspected Person, in respect of any of the Liquors aforesaid,  
 and likewise to examine such Excise Officer or Gauger upon  
 Oath, touching the Manner in which such Officer surveys or  
 charges such suspected Person in respect of any of the  
 Liquors aforesaid, or how or in what Manner such suspected  
 Person actually pays the Duties for any of the said Liquors;  
 and if it shall appear by such Stock Book or other Account, or  
 by the Examination of the said Officer or Gauger, that such  
 Person so suspected of selling any of the Liquors aforesaid, is  
 surveyed as a Victualler or Retailer, and is charged with the  
 same Duties that Victuallers and Retailers are usually charged

Where a Jus-  
 tice shall sus-  
 pect that any  
 Victualler sells  
 Ale, &c with-  
 out Licence, he  
 may summon  
 him, &c.

No. 6. with, and pay for any of the Liquors aforesaid, and is not  
 25 G. 11. c. 31. intitled to the Allowance or Abatement given to common  
 Brewers, then and in such Case such suspected Person shall be  
 deemed an Alehouse-keeper, Victualler, Retailer, or Seller of  
 any of the Liquors aforesaid, to all Intents and Purposes, as if  
 the same had been proved by two Witnesses.

Justice upon In-  
 formation that  
 any Person is  
 reasonably sus-  
 pected, &c. is to  
 summon the  
 Party and Evi-  
 dence.

X. And be it further enacted, That if any Person shall  
 make Information before any one Justice of the Peace, and  
 shew probable Cause that he suspects any Person sells Ale,  
 Beer or other Liquors without a Licence from two Justices, it  
 shall and may be lawful to and for such Justice to call such sus-  
 pected Person before him, and also to summon any other Per-  
 son or Persons as Evidence, to prove the Charge against such  
 suspected Person; and if such Person so summoned shall refuse  
 to appear, or when appearing shall refuse to be examined upon  
 Oath, and give Evidence as aforesaid, such Person or Persons  
 shall forfeit the Sum of ten Pounds, to be levied by Distress  
 and Sale of the Goods and Chattels of such Offender or  
 Offenders, by Warrant under the Hand and Seal of such  
 Justice, rendering to him or them the Overplus, after  
 Charges of the said Distress and Sale deducted, to be paid to  
 the Overseers for the Use of the Poor of the Parish or Place  
 where such Person or Persons so offending shall live.

Persons disa-  
 bled by Convic-  
 tion to sell Ale,  
 &c. disabled  
 also from selling  
 Spirituous Li-  
 quors, &c.

XI. And be it further enacted, That if any Person shall  
 be disabled by Conviction to sell Ale, Beer, Cyder or Perry,  
 such Person shall by the same Conviction be also disabled to  
 sell any Spirituous Liquors or Strong Waters, any Licence  
 before obtained for that Purpose notwithstanding; and every  
 Licence granted to the Person so convicted, to sell Ale, Beer,  
 Cyder, Perry, Spirituous Liquors, Strong Waters, or any of  
 them, from the Time of such Conviction shall be null and  
 void; and every Person selling Ale, Beer, Cyder, Perry,  
 Spirituous Liquors, Strong Waters, or any of them, during the  
 Term of such Disability, shall be subject to all or such of the  
 Penalties, as are respectively inflicted by law for selling Ale,  
 Beer, Cyder, Perry, Spirituous Liquors, Strong Waters, or  
 any of them, by Retail without a Licence; and in all Prose-  
 cutions of such Offenders, a Certificate from the Clerk of the  
 Peace (or Person acting as such) of any such Conviction, shall  
 be legal Evidence; which Certificate such Clerk of the Peace  
 or Person shall grant on Demand without Fee or Reward.

Distress & Sale

XII. And be it further enacted, That every Person so  
 convicted of the Offence of selling Ale, Beer, or other  
 Liquors, without a Licence from two Justices of the Peace,  
 shall, for every such Offence forfeit the Sum of forty Shillings;  
 (3.) and for every such second Offence shall forfeit the Sum of  
 four Pounds; and for every such third Offence shall forfeit the  
 Sum of six Pounds; all which said respective Forfeitures shall  
 and may be levied by Distress and Sale of the Goods and  
 Chattels of every such Offender (rendering to him the Over-  
 plus, after Charges of the said Distress and Sale deducted) by

(3) These Penalties are repealed and others are substituted by St. 25  
 Geo.-3. c. 113 part No 8.

Warrant under the Hand and Seal of the Justice convicting such Offender; and shall be paid one Moiety thereof to the Informer, and the other Moiety thereof to the Overseers of the Poor, for the Use of the Poor of the Parish or Place where such Offence was committed; and if no sufficient Distress shall be found, whereon to levy the said respective Forfeitures, then the said Justice of the Peace shall and may commit every such Offender so respectively convicted as afore-said, to the Common Gaol, or other Prison, or House of Correction, within his Jurisdiction, without Bail or Mainprize, for the Space of one Month, for the first Offence; and for the second Offence, for the Space of two Months; and for the third Offence, until such Offender shall be discharged by Order of the Court of General Quarter-Sessions.

No. 6.  
26 G. II. c. 31.  
For want of  
Distress, the  
Person to be  
committed.

XIII. And be it further enacted, That every Conviction of any Offender for selling Ale, Beer, or other Liquors without such Licence, or after being disabled to sell, as aforesaid, shall be certified by the Justices of the Peace making the same, to the next General or Quarter-Session of the Peace, to be filed or entered amongst the Records of the said Session; and that such Conviction shall and may be drawn up and certified in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect, *mutatis mutandis*, that is to say,

Conviction to  
be certified.

*Middle- } A. B. is convicted on his or her own Confession, Form of Con-*  
*sex. } (or, on the Oath of*  
*of having sold Ale, Beer, or other Liquors, in the Parish*  
*of* in this County, on the  
Day of without being licensed thereto accord-  
ing to Law (or, after being disabled to sell, as the Case may  
be). Given under my Hand and Seal this Day of

And there shall be added, That the same is the first, second, or third Conviction; which said Conviction, in the same or or the like Form of Words, shall be good and effectual in Law to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient, for want of any other Form or Words whatsoever.

XIV. Provided always, That such Offender who shall be punished by Virtue of this Act, shall not be punished again for the same Offence by any former Act; and that such Offender who shall be punished by virtue of any former Act, shall not be punished again for the same Offence, by virtue of this present Act, or any Thing herein contained.

Offender not  
liable to double  
Punishment.

XV. Provided always, That this Act, or any Thing herein contained, shall not in any wise be prejudicial to the Privilege of licensing Taverns and other Publick Houses, claimed by the two Universities of that Part of Great Britain called England, or either of them, nor to the Chancellor, Masters and Scholars, or any Officers of the same, or their Successors, but that they may use and enjoy such Privilege as

Rights of Uni-  
versities re-  
served.



No. 6. they have heretofore lawfully used and enjoyed; any Thing  
 26 G. II. c. 31. herein contained to the contrary notwithstanding.

The Times of XVI. Provided always, That nothing herein contained  
 granting Li- shall extend or be construed to extend to alter the Time or  
 cences for com- Times of granting such Licences for keeping of Common Inns  
 mon Inns, not altered, &c. or Ale-Houses, or to oblige Persons not licensed the Year  
 preceding to produce Certificates, in any City or Town  
 Corporate. (4.)

Inhabitant of XVII. Provided always, and be it enacted by the Author-  
 Parish compe- rity aforesaid, That any Person shall be deemed a competent  
 tent Witness. Witness, and be admitted to give Evidence upon any Informa-  
 tion or Complaint for any Offence committed against this  
 Act, notwithstanding such Person be an Inhabitant of or  
 charged or liable to be charged to the Payment of any Rates or  
 Assessments for the Relief of the Poor of any Parish or Place  
 where such Offence shall be committed.

### No. 7.

B. 30 Geo. II. c. 24. -- An Act for the more effectual  
 Punishment of Persons who shall attain, or attempt  
 to attain, Possession of Goods or Money, by false or  
 untrue Pretences; for preventing the unlawful Pawn-  
 ing of Goods; for the easy Redemption of Goods  
 pawned; and for preventing Gaming in Publick-houses by  
 Journeymen, Labourers, Servants and Apprentices.

No. 7.  
 G. II. c.

Publicans per-  
 mitting Jour-  
 neymen, &c. to  
 game in their  
 Houses

forfeit 40s.

XIV. **A**ND whereas the Occupiers of many licensed Pub-  
 lick Houses, and of other Houses wherein Wines  
 and Liquors are sold, frequently suffer Gaming therein, and  
 Journeymen, Labourers, Servants and Apprentices, by  
 Means of such Gaming therein, not only mis-spend their  
 Time, but are often reduced to Poverty and great Distress;  
 Be it therefore further enacted by the Authority aforesaid,  
 That from and after the said twenty-ninth Day of September one  
 thousand seven hundred and fifty-seven, if any Person or Per-  
 sons licensed to sell any Sorts of Liquors, or who shall sell, or  
 suffer the same to be sold in his, her or their House or Houses,  
 or in any Outhouses, Ground or Apartments thereto be-  
 longing, shall knowingly suffer any Gaming with Cards, Dice,  
 Draughts, Shuffle-Boards, Mississippi or Billiard Tables,  
 Skittles, Nine Pines, or with any other Implement of Gam-  
 ing, in his, her or their Houses, Outhouses, Ground or  
 Apartments thereto belonging, by any such Journeymen,  
 Labourers, Servants or Apprentices; and shall be convicted of  
 the said Offence on their own Confession, or on the Oaths of  
 one or more credible Witness or Witnesses, before any Justice  
 or Justices of the Peace for the County, Riding, Division,  
 City, Liberty or Place wherein the Offence shall be committed,  
 within six Days after any such Offence shall be committed, he,

(4.) This Exception only applies to the Time, and does not exempt  
 such Places from the Operation of the other Parts of the Act, as to Notices,  
 &c. R. v. Downs. 3 T. R. 560.

she or they so offending shall for every such Offence forfeit and pay the Sum of forty Shillings; and for every like Offence which he, she or they shall afterwards be convicted of, before any such Justice or Justices of the Peace, he; she or they so offending shall forfeit the Sum of ten Pounds; all which Sums of Money so forfeited, shall be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant from the Justice or Justices before whom such Offender or Offenders shall be convicted; and which Warrant every such Justice or Justices is and are hereby required and authorised to grant; and three-fourths of all Sums which shall be so forfeited shall, on the Recovery thereof, be paid to the Churchwardens of the Parish in which the Offence shall be committed, for the Use of the Poor of such Parish; and the other Fourth thereof shall be paid to the Person or Persons on whose Information the Party or Parties offending shall have been convicted of the Offence.

XV. And be it further enacted by the Authority aforesaid, That from and after the said twenty-ninth Day of September one thousand seven hundred and fifty-seven, if any Journeyman, Labourer, Apprentice or Servant, shall game in any House, Out-house, Ground or Apartments thereto belonging, wherein any Liquors shall be sold, and Complaint thereof shall be made on Oath before any Justice or Justices of the Peace for the County, Riding, Division, City, Liberty or Place, where the Offence shall have been committed, every such Justice or Justices shall thereupon issue his or their Warrant to some Constable, Tythingman, Headborough, or other Peace Officer of the Parish, Precinct or Place wherein the Offence shall be charged to have been committed, or where the Offender shall reside, to apprehend and carry every such Offender before some Justice or Justices of the Peace acting for the County, Riding, Division, City, Liberty or Place, where the Offence shall be committed, or where the Offender shall reside; and if the Person who shall be apprehended shall be convicted of the said Offence by the Oath of one or more credible Witness or Witnesses, or on his own Confession, every such Offender shall forfeit any Sum not exceeding twenty Shillings, nor less than five Shillings, as the Justice or Justices before whom any such Offender or Offenders shall be convicted shall think fit and order, every Time he shall so offend, and be convicted as aforesaid; and one Fourth of all such Money so forfeited shall, on the Conviction of any such Offender or Offenders, be paid to the Person or Persons on whose Information the Party or Parties offending shall be convicted, and the other three Fourths thereof shall be applied for the Use of the Poor of the Parish wherein the Offence shall have been committed, and shall be paid to the Overseers of the Poor of the Parish for that Purpose; and if the Party who shall be convicted of the Offence last mentioned, shall not forthwith pay down the said Sum so forfeited by him, any such Justice or Justices shall, by Warrant under his Hand, or their Hands, commit every such Offender to the House of Correction, or some other Prison, of the County, Riding,

No. 7.  
30 G. II. c. 24.  
and for every subsequent Offence, 10l. to be levied by Distress and Sale.

On Complaint of Journeyman, &c gaming in Public Houses, Justice to issue his Warrant for apprehending them, who upon Conviction, are to forfeit not exceeding 20s. nor less than 5s.

Offender not paying the Forfeiture, to be committed to hard Labour.

No. 7. Division, City, Liberty or Place, in which he shall be apprehended; there to remain and be kept to hard Labour for any Time not exceeding the Space of one Month, or until he shall pay the Sum of Money so forfeited.

Justice, upon Complaint, to issue his Warrant for bringing the Offenders before him,

XVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Justice or Justices of the Peace of any County, Riding, Division, City, Liberty, Town or Place, and he and they is and are hereby required, upon Complaint made to him upon Oath of any Offence committed against this Act, within the same County, Riding, Division, City, Liberty, Town or Place, to issue his Warrant for bringing before him, or some other Justice or Justices of the Peace of any County, Riding, Division, City, Liberty, Town or Place, the Person or Persons charged with such Offence; and the Justice or Justices before whom such Person or Persons shall be brought, is hereby authorised and required to hear and determine the Matter of every such Complaint, and to proceed to Judgment and Conviction thereupon, as by this Act is directed; and if it shall appear by Oath of any credible Person or Persons, to the Satisfaction of any such Justice or Justices, that any Person or Persons, within the Jurisdiction of such Justice or Justices, can give or offer material Evidence on Behalf of the Prosecutor, against any Offender or Offenders against the true Intent and Meaning of this Act, or on Behalf of the Person accused, and who will not voluntarily appear before such Justice or Justices to be examined, and give his, her or their Evidence, concerning the Premises; every such Justice or Justices is and are hereby authorised and required to issue his or their Summons to convene every such Person or Persons within his or their Jurisdiction before him or them, to be examined upon Oath concerning the Premises; and if any Person so summoned shall neglect or refuse to appear on such Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof by Oath of such Summons having been duly served upon him, her or them for that Purpose) any such Justice or Justices is and are hereby authorised and required to issue his or their Warrant to bring every such Witness and Witnesses, within his or their Jurisdiction, before him or them; and on the Appearance of any such Witness before any such Justice or Justices, any such Justice or Justices is and are hereby authorised and empowered to examine upon Oath every such Witness; and if any such Witness, on his or her Appearance, or being brought before any such Justice or Justices, shall refuse to be examined on Oath concerning the Premises, without offering any just Cause for such Refusal, it shall be lawful for any such Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit every Person so refusing to the publick Prison of the County, Riding, Division, City or Place, in which the Person or Persons so refusing to be examined on Oath, shall be brought before any such Justice or Justices,

and may summon Witnesses,

and if the Witness refuses to give Evidence, he may be committed to hard Labour.

there to remain for any Time not exceeding three Months, as any such Justice or Justices shall direct; and if, on such Examination, any such Justice or Justices shall deem the Evidence of any such Witness or Witnesses to be material, any such Justice or Justices may bind over any such Witness, unless a Feme Covert, or one under the Age of twenty-one Years, by Recognizance, in a reasonable Penalty, to appear and give Evidence at the next General or Quarter-Sessions of the Peace, or Sessions of *Oyer and Terminer*, as in such Recognizance shall be mentioned.

XVII. And be it further enacted by the Authority aforesaid, That no Persons charged on Oath with being guilty of any of the Offences punishable by this Act; and which shall require Bail, shall be admitted to Bail before twenty-four Hours Notice, at least, shall be proved by Oath to have been given in Writing to the Prosecutor, of the Names and Places of Abode of the Persons proposed to be Bail for any such Offender or Offenders, unless the Bail offered shall be well known to the Justice or Justices, and he and they shall approve of them; and every such Offender and Offenders, who shall be bound over to the General Quarter-Sessions of the Peace, or Gaol Delivery, of the County, City, or Town wherein the Offence charged on him shall have been committed, to answer any such Offences punishable by this Act, shall be tried at such General Quarter-Sessions of the Peace, or Sessions of *Oyer and Terminer* and Gaol Delivery which shall be held next after his, her or their being apprehended, unless the Court shall think fit to put off the Trial on just Cause made out to them. (1.)

XVIII. Provided always, and be it enacted by the Authority aforesaid, That in all Actions, Suits, Trials and other Proceedings in pursuance of this Act, or in relation to any Matter or Thing herein contained, any Inhabitant of the Parish, Town or Place, in which any Offence or Offences shall be committed, contrary to the true Intent and Meaning of this Act, shall be admitted to give Evidence, and shall be deemed a competent Witness, notwithstanding his, her or their being an Inhabitant or Inhabitants of the Parish, Town or Place wherein any such Offence or Offences shall have been committed.

XIX. And be it further enacted by the Authority aforesaid,  
That the Justice or Justices before whom any Person shall be  
convicted, in manner prescribed by this Act, shall cause such Conviction to  
be drawn up in the following Form; or to the Form;  
following; that is to say,

To wit, ' **B**E it remembered, That on this  
Day of \_\_\_\_\_ in the \_\_\_\_\_ Year of  
' his Majesty's Reign, *A. B.* is convicted before  
' \_\_\_\_\_ of his Majesty's Justices of the Peace for  
' the said County of \_\_\_\_\_ or for the  
' Riding or Division of the said County of \_\_\_\_\_

(1) This Clause relates to the Offence first mentioned in the Title

No. 7.  
30 G. II. c. 24.

' or for the City, Liberty or Town of  
' (as the Case shall happen to be) for  
' and the said do adjudge him or  
' her to pay and forfeit for the same, the Sum  
' of .

Given under the Day and Year aforesaid.

and to be written on Parchment, and transmitted to the Quarter-Sessions to be filed.

Justices at the Quarter-Sessions to determine Appeals.

Indictment or Conviction not removeable by Certiorari.

Appeal may be made to the Quarter Sessions;

and Execution respited, the Party entering into Recognizance to prosecute the Appeal.

Justices to determine the Appeal, and award Costs.

On Affirmation of the Judgment, Appellant to pay the Fine and Costs.

And the said Justice or Justices, before whom such Conviction shall be had, shall cause the same so drawn up, in the Form aforesaid, to be fairly written upon Parchment, and transmitted to the next General Quarter-Session of the Peace to be held for the County, Riding, Division, City, Town, Liberty, or Place, wherein such Conviction was had, to be filed and kept amongst the Records of the said General or Quarter-Sessions; and in case any Person or Persons so convicted, shall appeal from the Judgment of the said Justice or Justices, to the said General or Quarter-Sessions, the Justices in such General or Quarter-Sessions are hereby required upon receiving the said Conviction, drawn up in the Form aforesaid, to proceed to the Hearing and Determination of the Matter of the said Appeal, according to the Directions of this Act; any Law or Usage to the contrary notwithstanding.

XX. And be it further enacted by the Authority aforesaid, That no *Certiorari* shall be granted to remove any Indictment, Conviction or other Proceedings had thereon in pursuance of this Act.

XXI. Provided always, and it is hereby further enacted by the Authority aforesaid, That if any Person convicted of any Offences punishable by this Act, shall think him or herself aggrieved by the Judgment of the Justice or Justices before whom he or she shall have been convicted, such Persons shall have Liberty to appeal to the Justices at the next General or Quarter-Sessions of the Peace which shall be held for the County, Riding, Division, City, Liberty, Town or Place, where such Judgment shall have been given; and that the Execution of the said Judgment shall, in such Case, be suspended, the Person so convicted entering into a Recognizance at the Time of such Conviction, with two sufficient Sureties, in double the Sum which such Person shall have been adjudged to pay or forfeit, upon Condition to prosecute such Appeal with Effect, and to be forth-coming, to abide the Judgment and Determination of the Justices in their said next General or Quarter-Sessions; which Recognizance the said Justice or Justices before whom such Conviction shall be had, is hereby impowered and required to take; and the Justices in the said General or Quarter-Sessions are hereby authorised and required to hear and finally determine the Matter of the said Appeal, and to award such Costs as to them shall appear just and reasonable to be paid by either Party; and if, upon the hearing of the said Appeal, the Judgment of the Justice or Justices before whom the Appellant shall have been convicted, shall be affirmed, such Appellant shall immediately pay the Sum which he or she shall have

been adjudged to forfeit, together with such Costs as the Justices in the said General or Quarter-Sessions shall award to be paid, for defraying the Expences sustained by the Defendant or Defendants in such Appeal; or in default of making such Payments shall suffer the respective Pains and Penalties by this Act inflicted upon Persons respectively, who shall neglect to pay, or shall not pay the respective Sums or Forfeitures by this Act to be paid by, or imposed upon, Persons respectively, who shall be convicted by virtue of this Act.

XXII. And be it further enacted by the Authority aforesaid, That no Person, who, by virtue of this Act, shall be punished for any Offence or Offences by him, her or them committed, shall be punished for the same Offence or Offences, under any other Law or Statute.

[General Issue.] [Double Costs.]

XXIII. [Clause in Act 24 G. II. c. 44. extended to Justices acting under this Act.]—[Notice to be given to Peace Officer before commencing Suit against him.]—[Tender of Amends may be made by him, and pleaded in Bar of the Action.]—[If none, or insufficient Tender has been made, Plaintiff, upon a Verdict, to recover.]

No. 7.  
30 G. II. c. 24.  
None to be  
punished a second  
Time for  
the same Offence.

### No. 8.

32 Geo. III. c. 59. — An Act to amend so much of two Acts made in the twenty-sixth and twenty-ninth Years of the Reign of his late Majesty King George the Second, as relates to the licensing of Alehouse Keepers and Victuallers; and for better regulating Alehouses, and the Manner of granting such Licences in future; and also of granting Licences to Persons selling Wines to be drank in their Houses.

WHEREAS by an Act passed in the twenty-sixth Year of the Reign of his late Majesty King George the Second, intituled, *An Act for regulating the Manner of licensing Alehouses in that Part of Great Britain called England, and for the more easy convicting Persons selling Ale and other Liquors without Licence*, it was amongst other Things enacted, That if any licensed Person should die, or remove from an Alehouse, it should be lawful for the Person succeeding to such House to keep on the said Alehouse during the Residue of the Term of such Licence, on Condition that, within thirty Days after such Death or Removal, such Person shall obtain such Certificate as in the said Act is mentioned, to be signed by some neighbouring Justice, in order to its being produced at the General Meeting in September; and if such Certificate should not be obtained and signed within the said thirty Days, then, immediately from and after the Expiration thereof, such Licence should be null and void: And whereas, by a certain other Act, passed in the twenty-ninth Year of the Reign of his late Majesty, intituled, *An Act for granting to his Majesty a Duty upon Licences for retailing Beer, Ale, and*

No. 8.  
32 Geo. III.  
c. 59.  
Preamble.  
Provisions of  
26 G. 2. c. 31.  
and

29 G. 2. c. 12.  
revised.

No. 8. 'other exciseable Liquors; and for establishing a Method for  
 32 G. III. c. 59 'granting such Licences in Scotland, and for allowing such  
 'Licences to be granted at a Petty Session in England, in a  
 'certain Case therein mentioned, it was (amongst other Things)  
 'enacted, That if any Person so licensed to sell Ale, Beer,  
 'or other exciseable Liquor, should die, or remove from the  
 'Alehouse or other Place wherein such Ale, Beer, or other  
 'Liquor should, by virtue of such Licence, be sold, it should  
 'and might be lawful for the Executors, Administrators, and  
 'Assigns of such Person dying or removing, who should be  
 'possessed of such House or Place, or the Occupier thereof,  
 'to sell Ale, Beer, or other Liquors therein, during the Resi-  
 'due of the Term for which such Licence should have been  
 'granted to the Person so dying or removing, without any  
 'Certificate from any Justice of the Peace, or any new  
 'Licence to be had or obtained in that Behalf, any Thing  
 'in the said Act made in the twenty-sixth Year of the Reign  
 'of his late Majesty, or any other Law to the contrary  
 'thereof in anywise notwithstanding: And it was by the  
 'said Act further enacted, That in case any Alehouse or  
 'Victualling House, in that Part of Great Britain called Eng-  
 'land, should become empty or unoccupied after the General  
 'Day appointed for licensing (the Occupier whereof was duly  
 'licensed the Year preceding), it should be lawful for any  
 'two or more of his Majesty's Justices of the Peace, at a  
 'Petty Session; to grant a Licence to any new Tenant or  
 'Occupier to open such House as an Alehouse or Victualling  
 'House, and to sell Ale there till the next General Licensing  
 'Day, so as the said Licence be stamped as therein directed,  
 'such new Tenant or occupier obtaining such Certificate as is  
 'directed and prescribed in and by an Act of Parliament,  
 'made in the twenty-sixth Year of his Majesty's Reign,  
 'intituled, *An Act for regulating the Manner of licensing Ale-*  
*houses in that Part of Great Britain called England, and*  
*for the more easy convicting Persons selling Ale, and other*  
*Liquors, without Licence:* And whereas it is expedient that  
 'some other Provision should be made respecting the Continu-  
 'ance of the Licences of Alehouses or Victualling Houses, in  
 'Cases of Persons so dying or removing thereout as aforesaid,  
 'and that some further Regulation should be made respecting  
 'the granting of Licences for the Sale of Ale, Beer and other  
 'Liquors, by Retail, and for the better Government of Ale-  
 'houses or Victualling Houses in that Part of Great Britain  
 'called England, the Dominion of Wales, and the Town of  
 'Berwick upon Tweed: Be it therefore enacted by the King's  
 most Excellent Majesty, by and with the Advice and Consent  
 of the Lords Spiritual and Temporal, and Commons, in this  
 present Parliament assembled, and by the Authority of the  
 same, That the above recited Provisions in the said Acts of  
 the twenty-sixth and twenty-ninth Years of his late Majesty's  
 Reign, so far as the same relate to such Parts of Great Britain,

Recited Pro-  
 visions repealed  
 so far as they  
 relate to Eng-  
 land, Wales, &  
 Berwick upon  
 Tweed.

shall be, and the same are hereby repealed; and that, from and after the thirty-first day of July one thousand seven hundred and ninety-two, if any Person duly licensed to keep an Alehouse, Inn, Victualling House, or to sell Ale, Beer, or other excisable Liquors, by Retail, in any House within that Part of Great Britain called England, the Dominion of Wales, or the Town of Berwick upon Tweed, shall happen to die before the expiration of such Licence, or if any Person so licensed, or the Executors, Administrators, or Assigns of any Person dying so licensed, shall remove from or yield up the Possession of such House in which such Ale, Beer, or other Liquors shall by virtue of such Licence be sold, and shall assign such Licence, or in case any such House shall become empty or unoccupied, the late Occupier whereof was duly licensed at the last General Licensing Day in September, previous to the Time such House became empty or unoccupied, (1) then and in every such Case (except as herein is otherwise provided) it shall and may be lawful for two, or more of his Majesty's Justices of the Peace for the County, Riding, Division, or Place, at a Petty Session to be holden within and for the same Division in which such House shall be situate, to grant a Licence to the Executors, Administrators or Assigns of the Person so dying, who shall be possessed of such House, or to any new Tenant or Occupier, upon such removal, or the House becoming empty or unoccupied as aforesaid, to open or continue open such House as an Alehouse or Victualling-house, and to sell Ale, Beer and other Liquors aforesaid there till the next General Licensing Day, so as the said Licence be stamped (2) as by the aforesaid Statutes in that Behalf is directed; or for the said Justices in their Discretion, to allow to such Executors or Administrators, or other Persons aforesaid, possessed of any such Licence to continue open such House for the Purpose aforesaid, under and by virtue of such Licence, until the Expiration thereof, every such Executor, Administrator, or Assign, and every such Tenant or Occupier, respectively, in every such Case, obtaining, within thirty Days after such Death or Removal, or after his or her entering upon the

No. 8.  
32 Geo. III.  
c. 59.

From July 31, 1792, if Ale-house-keepers die or remove, &c. before the Expiration of their Licences, new ones may be granted to Executors or new Tenants, till the next Licensing Day, on certain Conditions.

(1.) In the Editions of Burn, published since the passing of this Act, it is observed, that where the Tenant intending to remove hath not taken out a License for that Year, his Successor may obtain a License until the next Licensing Day by applying to the Justices, and making it appear to them that he is a Person proper to receive a License; and also making it appear, that the House is proper to be licensed, whereof the Proof must be, its having been licensed the Year next before. But there is nothing in the Act itself to warrant the Construction that if the House is actually occupied at the General Licensing Day, but no License is applied for, much less if a License has been applied for and refused, any License can be granted in the Course of the Year upon a Change of Tenant. The Power is expressly confined to Cases where the House was duly licensed on the Licensing Day previous to the Time when it became empty. — An Opinion to the same Effect has been given by the present Solicitor-General (Sir S. Shepherd) to the Magistrates of the County of Lancaster. — The observation was correct as originally applied by Burn to the Statute 29 G. 2. c. 12. hereby repealed.

(2.) By Statute 48 Geo. III. c. 113. Post No. 12. the Stamp Duties on Licenses are repealed, and Excise Licenses substituted for them.



- No. 8. Possession of such House, and producing to the said Justices  
 32 Geo. III. such Certificate, and entering personally into such Recogni-  
 c. 59. zance, with such Sureties as is directed by the said in Part  
 recited Act of the twenty-sixth Year of his said late Majesty,

Certificates and  
 Recognizances  
 required by this  
 Act to be sent to  
 the Clerk of the  
 Peace to be re-  
 corded.

in respect to Persons to whom Licences are to be granted by  
 virtue of the said Act; which said Certificate and Recogni-  
 zance, with the Condition thereof fairly written or printed,  
 and attested by the Justices granting or allowing such Licence,  
 shall forthwith, or at the next General or Quarter Sessions of  
 the Peace at farthest after granting such Licences, be sent  
 or returned to the Clerks of the Peace, to be by them or other  
 Persons acting as such, duly entered or filed amongst the  
 Records of the Sessions of the Peace.

In Middlesex  
 and Surrey, the  
 Justices at the  
 General Licen-  
 sing Meetings to  
 appoint special  
 ones, &c.

II. Provided always, and be it further enacted by the  
 Authority aforesaid, That in the respective Counties of  
*Middlesex* and *Surrey*, the Justices assembled at the General  
 Licensing Meetings holden for the respective Divisions within  
 the same, shall have full Power and Authority, and they are  
 hereby directed and required to appoint not less than six nor  
 more than eight Special Days of Meeting at different equal  
 Periods, as near as may be, in each Year next ensuing such  
 General Licensing Meetings; on which Days it shall and may  
 be lawful for two or more Justices acting in and for the said  
 Divisions, to meet and to grant or continue Licences in the  
 Cases and in the Manner and for the Time herein-before men-  
 tioned; and the Justices assembled at the said General Licensing  
 Meetings are hereby directed and required to cause due  
 Notice to be given of the Times and Places at which such  
 Special Meetings shall respectively be holden.

At which they  
 may grant to li-  
 censed Persons  
 removing, &c.,  
 and producing  
 the necessary  
 Certificates, &c.  
 a Continuance  
 of Licences, &c.

III. And be it further enacted by the Authority aforesaid,  
 That if any Person so licensed as aforesaid, within the said  
 Counties of *Middlesex* and *Surrey*, or the Executors, Adminis-  
 trators, or Assigns of any Person dying, so licensed, shall  
 remove from such House, or yield up the Possession thereof  
 in Manner aforesaid, or in case any such House, within the  
 respective Counties aforesaid, shall be or become empty or  
 unoccupied, in Manner aforesaid, then and in every such  
 Case, before such Licence shall be continued, or a new  
 Licence granted to open or continue open any such House as  
 an Alehouse, Inn, or Victualling House; the Person or Per-  
 sons so succeeding as the Occupier or Occupiers thereof shall  
 appear at the next Special Meeting to be holden for the Divi-  
 sion wherein such House shall be situated; and the Justices  
 assembled at such Special Meeting shall and may (upon such  
 Certificate being produced to them, and such Recognizances  
 being entered into as is herein-before mentioned) grant a  
 Licence to such new Tenant or Occupier, or in their Discretion  
 allow a Continuance of any Licence before granted, in Man-  
 ner aforesaid, to open or continue open such House as an  
 Alehouse, Inn, or Victualling House, and to sell Ale, Beer,  
 and other exciseable Liquors there until the next General  
 Licensing Day; any Thing in the Act contained to the con-  
 trary thereof notwithstanding.

IV. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to empower any Justices of the Peace at any Petty Sessions to grant any new Licence to any House, the Occupier whereof was not duly licensed at the General Licensing Day next-before such Petty Sessions as aforesaid.

V. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to alter the Time or Times of granting Licences for keeping of Common Inns or Alehouses, or to oblige Persons not licensed the Year preceding, to produce Certificates in the City of London.

VI. And be it further enacted by the Authority aforesaid, That every Person so entering into the Possession of any licensed Alehouse, Inn, or Victualling House, who shall sell any Ale, Beer, or other exciseable Liquors, unless authorised and empowered so to do by the Justices at the Petty Sessions next ensuing after the Expiration of such thirty Days, in the Manner herein-before directed, shall from thence be liable to all the Penalties, Punishments, and Forfeitures, to which Persons selling Ale, Beer, or other Liquors, by Retail, without a Licence, are subject by an Act passed in the fifth Year of the Reign of his present Majesty, intituled, *An Act for altering the Stamp Duties upon Admissions into Corporations or Companies, and for further securing and improving the Stamp Duties in Great Britain*; any Law, Statute, or Usage to the contrary notwithstanding.

VII. Provided always nevertheless, and be it further enacted, That the Certificate herein-before directed to be obtained by the Person or Persons requiring to be licensed, shall, after the obtaining thereof, be an Indemnity to him, her, or them, for selling any Beer, Ale, or other exciseable Liquors, till after such Petty Sessions shall have been held.

VIII. And be it further enacted by the Authority aforesaid, That in all Cases where the Continuance of a Licence shall be allowed, or a new Licence shall be granted as aforesaid, by the Justices at any Petty Sessions, the Clerk of the Peace for the County, Riding, Division, or Place, where the House is situate, shall record the same, and shall be paid the Sum of one Shilling for recording the allowing or granting of every such Licence, and no more.

IX. And be it further enacted by the Authority aforesaid, That, from and after the tenth Day of October, one thousand seven hundred and ninety-two, it shall not be lawful for any Person or Persons whatever, in any County, Riding, City, Borough, Town Corporate, or Place, in Great Britain, by virtue of any Licence or Licences granted or to be granted by any of the Commissioners or Officers of Excise, for the Sale of Foreign Wines, or British-made Wines, or Sweets, by Retail, to sell the same by Retail, to be drank in his, her, or their House or Houses, or Place thereto adjoining, or belonging, except such Person or Persons only to whom a

No. 8.

32 G. III. c. 59  
No New Licences to be granted at Petty Sessions to Houses not licensing at the General Licensing Day.

The Times of granting Licences not hereby altered, nor Persons not licensed the Year preceding obliged to produce Certificates in London Persons entering into licensed Houses without the Authority of the Justices liable to penalty.

Persons obtaining the necessary Certificate, indemnified till the Petty Sessions.

Clerk of the Peace to record the Continuance of Licences, &c.

From Oct. 10, 1792, no Person to sell Wine by Retail, to be drawn in his House, without having a Beer Licence.

No. 8. Licence shall have been granted by Justices of the Peace, or other Officers, to sell Ale, Beer, and other Liquors in the same House or Houses respectively; and the several Justices of the Peace, and all other Officers, in and throughout the Kingdom of *Great Britain*, shall be, and are hereby empowered and authorized to have and exercise the same Jurisdictions, Powers, and Authorities over such Retailers of Foreign or *British-made* Wines or Sweets, who shall sell the same to be drank, in his, her, or their House or Houses, or Place thereto adjoining or belonging as aforesaid, as they now have or exercise, or are entitled to have or exercise over Persons licensed to sell Ale, Beer, and other Liquors, by any Statute whatsoever; and if any Person or Persons shall sell or cause to be sold by Retail as aforesaid, any Foreign or *British-made* Wines or Sweets, to be drank in his, her, or their House or Houses, or Place thereto adjoining or belonging, without having a Licence to sell Ale, Beer, and other Liquors in the same House or Place, every such Person or Persons shall severally and respectively forfeit and pay for every such Offence the like Penalty and Penalties as are inflicted on Persons for selling Ale, Beer, or other exciseable Liquors, without a Licence, by an Act made in the fifth Year of the Reign of his present Majesty, intituled, 5 Geo. 3. c. 45. *An Act for altering the Stamp Duties upon Admissions into Corporations or Companies, and for securing and improving the Stamp Duties in Great Britain*, to be adjudged, recovered, levied, certified, and applied in such and the like Manner, and under the like Terms, and with the like Powers and Authorities, as the several Penalties inflicted by the said Act are hereby, or by any other Act or Acts of Parliament relating thereto, directed to be adjudged, recovered, levied, certified, and applied.

Justices to have the same Jurisdiction over such Retailers of Wine, as they have over Sellers of Beer.

Penalty for selling Wine by Retail, without having a Beer Licence.

X. And be it further enacted, That if any Person or Persons shall at any Time be sued, molested, or prosecuted for any Thing by him or them done or executed in pursuance of this Act; or of any Clause, Matter, or Thing herein contained, such Person or Persons shall or may plead the General Issue, and give the special Matter in Evidence for his or their Defence; and if upon the Trial a Verdict shall be passed for the Defendant or Defendants, or the Plaintiff or Plaintiffs become nonsuited, then such Defendant shall have treble Costs awarded to him or them against such Plaintiff or Plaintiffs.

Not to extend to the Vintners Company, &c.

XI. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to any Person who shall be a Master, Warden, Freeman, or one of the Commonalty of the Vintners of the City of *London*; or to any Person who shall be licensed by the Chancellors or Vice Chancellors of the two Universities, in that Part of *Great Britain* called *England*, or either of them; or to any Person who shall keep one of the three several Wine Taverns within the

Borough of *Saint Albans*, in the county of *Hertford*, licensed No. 8. by the Mayor and Burgesses thereof, according to the Tenor of 12 G. III. c. 59 certain Letters Patent granted by Queen *Elizabeth* and King *James* the First, for and towards the Maintenance of the Free School there: Provided nevertheless, That no Person who, from and after the said tenth Day of *October* one thousand seven hundred and ninety-two, shall be admitted to the Freedom of the said Company of Vintners of the City of *London*, by Redemption only, shall be exempted from the Obligation of obtaining a Licence to retail Ale, Beer, and other Liquors, to be granted in Manner aforesaid, but that the Freemen only of the said Company, who have been already admitted to their Freedom, or who, from and after the said tenth Day of *October* one thousand seven hundred and ninety-two, shall be admitted to their Freedom, in Right of Patrimony, or Apprenticeship, shall be entitled to such Exemption.

Freemen of the Vintners Company by Redemption, after Oct. 10, 1792, not exempted from this Act.

## No. 9.

35 Geo. III. c. 113.—An Act for the more effectual Prevention of selling Ale and other Liquors by Persons not duly licensed. — [26th. June 1795.]

WHEREAS, by an Act, made in the fifth year of the Reign of his present Majesty, intituled, *An Act for altering the Stamp Duties upon Admissions into Corporations or Companies; and for further securing and improving the Stamp Duties in Great Britain*; after reciting that, by the Laws then in force in that Part of *Great Britain* called *England*, and Dominion of *Wales*, and Town of *Berwick upon Tweed*, Persons selling Ale or Beer, or other exciseable Liquors, by Retail, without Licence, were liable and subject by different Laws to different Penalties and Punishments, which had occasioned much Confusion, and an ill and improper Use had been made thereof in many Instances; for the Prevention whereof it was enacted, that, from and after the fifth Day of *July* one thousand seven hundred and sixty-five, every Person lawfully convicted of selling Ale or Beer, or other exciseable Liquors, by Retail, after that Day, in that Part of *Great Britain* called *England*, the Dominion of *Wales*, or Town of *Berwick upon Tweed*, without being duly licensed so to do, should, for every such Offence, forfeit and undergo the several Penalties and Punishments therein-after mentioned and provided in that Behalf, instead and in lieu of the several pecuniary and corporal Punishments, which they were then liable or subject to by any law then in force; that is to say, For the first Offence the Sum of forty Shillings, and also the Costs and Expences of convicting such Offender; and in case such Sum, together with the Charges and Expences of convicting such Offender, should not be paid within the

No. 9.  
35 Geo. III.  
c. 113  
5 Geo. III.  
Cap. 46, in Part  
recited.

No. 9.  
35 G. III.  
c. 113.

'Space of fourteen Days next after such Conviction, that then  
'the Offender should suffer imprisonment for the Space of one  
'Month, unless he or they should sooner pay such Penalty, and  
'the Costs, Charges, and Expences, of such Conviction, and  
'executing the same; and for the second Offence the Sum  
'of four Pounds, and also the Costs and Expences of convict-  
'ing such Offender; and in case such Sum, together with  
'the Charges and Expences of convicting such Offender the  
'second Time, should not be paid within the Space of one  
'Week next after such Conviction, then the Offender should  
'suffer Imprisonment for the Space of two Months, unless he  
'or they should sooner pay such Penalty of four Pounds, and  
'the Costs, Charges, and Expences, of such second Convic-  
'tion, and executing the same; and for the third Offence the  
'Sum of six Pounds, and also the Costs and Charges of con-  
'victing such Offender; and in case such Sum of six Pounds,  
'together with the Charges and Expences of convicting such  
'Offender the third Time, should not be paid within the Space  
'of three Days next after such third Conviction, that then  
'the Offender should suffer Imprisonment for the Space of  
'three Months, unless he or they should sooner pay such  
'Penalty of six Pounds, and the Costs, Charges, and Ex-  
'pences of such third Conviction, and executing the same,  
'and the like Penalty and Punishment for every other Offence  
'after the third Offence, and Conviction thereof, as for the  
'said third Offence; all which said Costs and Expences  
'should be assessed, settled, and ascertained, by the Justice  
'or Justices of the Peace before whom such Offenders should  
'respectively be convicted; any Law, Statute, or Custom,  
'to the contrary thereof in any wise notwithstanding; all  
'which Penalties and Forfeitures should go and be paid, the  
'one Moiety thereof to his Majesty, his Heirs and Successors,  
'and the other Moiety thereof, and also the Costs, Charges,  
'and Expences, to be assessed or ascertained as aforesaid,  
'to the Prosecutor or Prosecutors of every such Offender  
'or Offenders: And whereas, by reason of many Evasions  
'still made use of, and of Defects in the Powers of the Laws  
'now in force, it is difficult to convict Offenders against them:  
'For Remedy whereof, be it enacted by the King's most  
Excellent Majesty, by and with the Advice and Consent of  
the Lords Spiritual and Temporal, and Commons, in this  
present Parliament assembled, and by the Authority of the  
same, That so much of the said Act, as is above recited,  
shall be and is hereby repealed; and that, from and after the  
twentieth Day of September, one thousand seven hundred  
and ninety-five, if any Person shall sell Ale or Beer, or any  
other Exciseable Liquors, by Retail, or shall permit or suffer  
any Ale or Beer, or any other Exciseable Liquors, to be sold  
by Retail, in his, her, or their House, Outhouse or Yard,  
Garden, Orchard, or other Places, in that Part of Great  
Britain called England, the Dominion of Wales, and Town  
of Berwick upon Tweed, without being duly licensed so to

Recited Part  
of 5 Geo. III.  
Cap. 46, repeal-  
ed.  
From Sept. 20,  
1795, Persons  
selling, or per-  
mitting to be  
sold in their  
Houses, Excise-  
able Liquors by  
Retail, without  
Licence, liable  
to Penalty.

do, and shall thereof be duly convicted, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, and also the Costs and Expences attending the Conviction, to be levied and recovered as herein is directed; and on and after a second Conviction for the like Offence, shall also be rendered incapable of being thereafter licensed to keep an Alehouse, or to sell Ale or Beer, or other Exciseable Liquors, by Retail.

No. 9.  
35 G. III.  
c. 113.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any one or more Justice or Justices of the Peace for the Time being, of the County, Riding, Division, or Place, where such Offence shall be committed, to hear and determine the same in a summary Way; which said Justice and Justices is and are hereby respectively authorised and required, upon Information exhibited or Complaint made to or before him or them in that Behall, to summon the Party or Parties accused, and also any Person or Persons as a Witness or Witnesses, on either Side, and upon Appearance, or Contempt by not appearing, of the Party or Parties accused, to proceed to hear the Matter in a summary Way, and also to examine any Witness or Witnesses on Oath, and to give Judgment therein; and upon Proof of the Offence, either by Confession of the Party or Parties, or upon the Oath of one or more credible Witness or Witnesses, to convict the Party or Parties so accused or complained against of the Offence laid to his, her, or their Charge; and in case the Party or Parties so convicted shall not, at the Time and Place of Conviction, if present, (or if absent,) within the Space of three Days after Notice, either personally served upon the Party or Parties, or left for him, her, or them, at the Place where the Offence shall have been committed, according to the Directions of this Act, pay the Penalty or Penalties for which he, she, or they, shall stand convicted, together with the Costs and Expences attending the same, which said Costs and Expences shall be ascertained and fixed by the Justice or Justices convicting the Offender or Offenders; that then, and in every such Case, it shall be lawful for such Justice or Justices, and he and they is and are hereby required to issue his or their Warrant or Warrants of Distress, empowering the Person or Persons to whom the same shall be directed, to make Distress of the Goods and Chattels of such Offender or Offenders, wheresoever they shall or may be found, within the Jurisdiction of the Justice or Justices convicting such Offender or Offenders, and also any Goods and Chattels found, or being in the House, Outhouse, Cellar, Vault, Storehouse, or other Place, in which such Offence shall have been committed, or which shall be found or be in any House, Outhouse, Cellar, Vault, or other Storehouse, belonging to or occupied therewith, or which shall be found or be in any House, Outhouse, Cellar, Vault, Storehouse, or other Place, which shall have been entered at the Excise Office for keeping or laying any Beer or Ale, Cyder or Perry therein, by or in the Name or Names of such Offender or Offenders; and on the Goods and

Justices may  
determine Com-  
plaints.

If Penalties  
be not paid, they  
may be levied  
by Distress.

No. 9. Chattels so distrained, the Officer or Officers executing such  
 35 G. III. Warrant or Warrants as aforesaid shall proceed to levy the  
 c. 113. Sum or Sums expressed in such Warrant or Warrants, in  
 Officers to execute Warrants agreeably to 27 Geo. II. cap. 20; Manner directed in and by an Act, made in the twenty-  
 the Provisions of which, and of 33 G. III. cap. 55, as to Execution of Warrants to extend to this Act. Second, intituled, *An Act for the more easy and effectual Proceeding upon Distresses to be made by Warrants of Justices of the Peace*, and all the Powers and Provisions of the said Act; and also of an Act made in the thirty-third Year of the Reign of his present Majesty, intituled, *An Act to authorise Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace and Parish Officers, for Neglect of Duty; and on Masters of Apprentices for ill Usage of such their Apprentices; and also to make Provision for the Execution of Warrants of Distress granted by Magistrates*; as far as the same relate to the Execution of Warrants of Distress, shall be extended, applied, and put in Execution, in relation to Warrants of Distress to be granted by virtue of this Act, as fully and amply as if the same Powers and Provisions had been severally repeated and re-enacted in this Act.

Distress may be sold within four Days.

III. Provided always, and be it further enacted, That at the Request of the Owner or Owners of the Goods so distrained, the same may be sold at any Time within the four Days allowed by the said Act of the twenty-seventh Year of his late Majesty.

Allowance to Officers.

IV. And be it further enacted, That there shall be paid and allowed to the Officer or Officers executing such Warrant or Warrants of Distress, for the safe keeping of the Goods and Chattels so distrained, for each Day such Goods and Chattels shall be in his or their Custody, such Sum not exceeding five Shillings *per Diem*, and for any Person or Persons acting therein in the Aid and Assistance of such Officer or Officers, such Sum not exceeding two Shillings *per Diem* for each such Person, as the convicting Justice or Justices shall allow and direct to be paid, due Proof being first made on Oath, to the Satisfaction of such Justice or Justices, that sufficient Cause existed for calling in the Aid and Assistance of such Person or Persons.

Application of Penalty.

V. And be it further enacted, That one Moiety of the Penalty so levied shall be paid to the Informer, and the other Moiety thereof to the Use of the Poor of the Parish, Township or Place, in which the Offence shall have been committed, in such Manner as the Justice or Justices as aforesaid shall direct and appoint; and if the Person or Persons authorised to execute such Warrant or Warrants, or any or either of them, shall make a Return thereto that no sufficient Distress can be found whereon to levy the Penalty and Costs and Charges as aforesaid, then it shall and may be lawful for any Justice or Justices of any County, Riding, Division, or Place, within whose Jurisdiction the Party or Parties, against whose Goods and Chattels such Warrant of Distress shall have been issued, shall at any Time be found, upon producing to such Justice or Justices such Warrant, and Return thereof, (and if such Justice or Justices shall be of any other County, Riding, Division,

If sufficient Distress cannot be found, the Justice may commit the Offender.

or Place, then, upon Oath made of the Hand-writing of the Justice or Justices, granting such Warrant of Distress, and of the Truth of such Return,) to commit such Offender or Offenders to the Common Gaol, or other Prison within the Limits of his or their Jurisdiction, for any Term not exceeding six Calendar Months, nor less than three Calendar Months, unless the said Penalty or Penalties, with the Costs, Charges, and Expences, of all Proceedings attending the Conviction and Warrant of Distress, shall be sooner paid and satisfied.

No. 9.  
35 Geo. III.  
c. 113

VI And whereas many Persons do presume to carry on and exercise the Trade of Alehouse-keeper and Victualler, and Retailer of Beer and Ale, without Licence, and to make Entry of Houses, Outhouses, Cellars, Vaults, or Storehouses, for laying or keeping such Beer or Ale, by assumed or feigned Names, and such Beer and Ale is frequently retailed in House, Outhouses, or other Places detached from their Place of Residence, whereby the Purposes of the Law have been, and still continue to be, evaded; be it further enacted, That in case any Summons shall be issued by any Justice or Justices of the Peace for any Person or Persons to appear and answer to any Information or Complaint for selling by Retail any Beer, Ale, or other exciseable Liquors, without Licence, the directing such Summons to such Person by the Name in which such Person shall have entered any House, Outhouse, Cellar, Vault, or Storehouse, for laying or keeping of Beer or Ale, or in the Names by which such Person or Persons is or are, or has or have been usually known, whether the same be the real and proper, or the assumed or feigned, Names of such Person or Persons; and the leaving such Summons at the House, Outhouses, Cellar, Vault, or other Storehouse or Place in which such Offence is stated in any Information to have been committed, and affixing a Copy thereof on the Door, or other conspicuous Part on the Outside thereof, (such Service being proved on Oath of the Person or Persons who shall have so served such Summons, and so affixed such Copy.) shall be deemed, and is hereby declared to be, as legal and effectual a Notice or Summons, to all Intents and Purposes, as if the same was personally given or delivered to or unto the Hands of the Party or Parties to whom the same shall be directed; and as if the same was directed to the Party or Parties by his, her, or their proper and real Name or Names.

What shall be deemed legal Notice to Persons summoned to answer Informations for selling Liquors by Retail without Licence.

VII. And be it further enacted, That every Alehouse-keeper, Victualler, or Retailer of Beer or Ale, who shall take or receive into or have in his, her, or their Custody, Possession, or Power, any Beer or Ale to sell or dispose thereof by Retail, shall, at least three Days before he, she, or they, shall begin so to sell or dispose of any such Ale or Beer, make a true and particular Entry in Writing at the Office of Excise, next to the Place where such Ale or Beer shall be intended to be sold and disposed of, of all and every House, Outhouse, Cellar, Vault, Room, Store-

Retailers to make previous Entry of all Places used for laying Beer, &c.



No. 9.  
35 Geo III.  
c. 113.

Penalty of  
50s for not ma-  
king Entry.

Places not en-  
tered, to be  
deemed conceal-  
ed Places

Beer, &c and  
Goods & Chat-  
tels, found  
where any Of-  
fence is com-  
mitted, &c to  
be liable to Dis-  
tress.

house, or other Place used, or to be used, for laying or keeping any such Beer or Ale, or for selling the same; and which said Entry shall set forth the true Name or Names of the Person or Persons so making such Entry, and shall also express whether the Person making the same be an Alehouse-keeper, Victualler, or Retailer; and such Person or Persons shall be deemed to be the Occupier or Occupiers, Proprietor or Proprietors, of all and every House, Outhouse, Cellar, Vault, Room, Storehouse, or other Place, so entered, for laying or keeping such Ale or Beer, or for selling the same, so long as such Entry shall remain in Force, or such Ale or Beer shall be or remain in the Custody, Possession, or Power, of the Person or Persons making such Entry; and if any Person or Persons shall, contrary to the Directions of this Act, make use of any House, Outhouse, Cellar, Vault, Room, Storehouse, or other Place, for the laying, keeping, or selling of Beer or Ale, to be sold or disposed of by Retail, without having made such Entry as aforesaid, he, she, or they, shall respectively forfeit, for every Default or Neglect, the Sum of Fifty Pounds, to be sued for and recovered, levied, mitigated, and distributed, in such Manner as is directed by any Law now in Force, with regard to Penalties and Forfeitures on Offences against the Laws relating to the Excise, and all Storehouses, Cellars, Rooms, or other Places used by any such Innkeeper, Victualler, or other Retailer, for the Purpose of laying or keeping any Beer or Ale, or Worts in Cask, without being so entered, shall be deemed and taken to be private and concealed Storehouses, Cellars, or Places, within the Meaning of all, each and every Act and Acts of Parliament now in Force in Relation to private and concealed Storehouses, Cellars, or Places, for the keeping or laying Exciseable Liquors.

VIII. And be it further enacted, That all Beer, Ale, Cyder, Perry, and other Exciseable Liquors, together with all other Goods and Chattels found in every and any House, Outhouse, Cellar, Vault, Storehouse, or other Place where any such Offence as aforesaid shall have been committed, or in any House, Outhouse, Cellar, Vault, Storehouse, or other Place belonging thereto, or occupied therewith, or which shall have been entered as aforesaid at the Excise Office, for laying or keeping therein any Beer or Ale, Cyder or Perry, by or in the Name or Names of the Person or Persons convicted, by whom or by what Title or Conveyance soever the same may be claimed, shall be liable to such Warrant or Warrants of Distress to satisfy all Penalties, Costs, and Charges, incurred by any Person or Persons for any Offence or Offences committed within or upon the same Premises, or any Part thereof, as aforesaid; and it shall be lawful to levy the Penalties, and Costs and Charges, and use such Proceedings in respect of the same, as it is lawful to do in case the Offender or Offenders had been truly and really the Owner or Owners, or Proprietor or Proprietors of the same.

IX. And be it further enacted by the Authority aforesaid, That every Person who shall make any Entry at any Office of Excise, of any House, Outhouse, Cellar, Vault, Storehouse, or other Place, for laying or keeping of any Beer or Ale, or for selling the same therein, as an Alehouse-keeper, Victualler, or Retailer, shall be deemed a Seller by Retail of such Liquors to all Intents and Purposes; and that it shall and may be lawful for any Justice of the Peace from Time to Time to summon before him, or before any other Justice or Justices, any Entry Keeper, Guager, or other Excise Officer, having the Custody of Entries made by Innkeepers, Victuallers, and Retailers of Beer or Ale, within his Division, who shall, when required, produce before such Justice or Justices, all and every Entry or Entries made at the Office of Excise by any Person or Persons within the Division of such Officer, and also the Stock Books or other Accounts of Survey of such Persons respectively, and such Justice or Justices shall and may examine on Oath such Officer or Officers respecting any such Entry or Entries of any Houses, Outhouses, Cellars, Vaults, Storehouses, or other Places, for keeping Beer or Ale, or respecting any Stock of any Person or Persons making such Entries, and if it shall appear that any Person hath made Entry or Entries at the Office of Excise of any House, Outhouse, Cellar, Vault, Storehouse, or other Place, for laying or keeping any Beer or Ale therein, or for selling the same as an Alehousekeeper, Victualler, or Retailer, or if it shall appear that any such Person is surveyed as an Alehouse-keeper, Victualler, or Retailer, and has not received or is not entitled to receive the Abatement of Duty allowed to Common Brewers, then and in such Case it shall and may be lawful for such Justice or Justices to summon before him or them such Person or Persons, to produce to such Justice or Justices, his, her, or their, Licence or Licences to sell Beer and Ale, and if such Person or Persons shall not, at the Return of such Summons, appear before such Justice or Justices, or appearing shall not produce to such Justice or Justices a Licence or Licences duly obtained and in Force, it shall be lawful for such Justice or Justices (Proof being made of due Service of such Summons according to this Act, in case the Party or Parties shall not appear) to adjudge the Party or Parties guilty of selling Beer or Ale by Retail without Licence, and the Party or Parties so adjudged shall be liable to the Penalties herein imposed on Persons retailing Beer or Ale without Licence.

X. And be it further enacted, That if any Person shall be summoned to appear as a Witness, to give Evidence before any Justice or Justices of the Peace touching the Matter aforesaid, either on the Part of the Prosecutor, or of the Person or Persons accused, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his or her Neglect or Refusal, (he) be allowed by such Justice or Justices of the Peace) or appearing shall refuse to be examined on Oath, and give Evidence to such Justice or Justices of the Peace before whom the Prosecu-

No. 9.

35 Geo. III.  
c. 113.

Persons making Entry to be deemed Retailers

Justices may summon Excise Officers to produce Entries and Stock Books, &amp; may examine them on Oath;

and may summon Retailers to produce Licences; and for not producing them, may adjudge the Defaulters guilty.

Penalty of refusing to attend Summons, to be levied by Distress, and if sufficient cannot be found, the Party may be committed.

No. 9.  
35 Geo. III.  
c. 113.

Application of  
Penalty.

Goods liable  
to Seizure, may  
be distrained  
wherever found.

Justices may  
indorse Warr-  
ants for seizing  
Goods removed  
into their Juris-  
dictions.

Appeal may be  
made to the  
Quarter Sessions  
within a certain  
Time, and on  
certain Condi-  
tions.

tion shall be depending, then, that every such Person shall forfeit for every such Offence the Sum of ten Pounds, to be levied by Warrant of Distress; and if no sufficient Distress can be found, then the said Justice or Justices before whom and in whose Contempt the Offence was committed, shall and may commit such Offender to the common Gaol or other Prison within his or their Jurisdiction for any Term not exceeding the Space of six Calendar Months, unless the Penalty shall be sooner paid; and such Penalty shall be applied to the Use of the Poor of the Parish, Township, or Place, in which such Offence shall have been committed, in such Manner as the Justice or Justices so convicting shall direct and appoint.

XI. And be it further enacted, That if any Person or Persons whatsoever, after Service of any Summons to appear and answer to any Charge of selling Ale or Beer, or other Exciseable Liquors, without Licence, shall convey away any Goods or Chattels herein-before made liable to any Warrant of Distress, from the House, Outhouse, Cellar, Vault, Storehouse, or other Place wherein such Offence shall have been committed, or from any House, Outhouse, Cellar, Vault, Storehouse, or other Place belonging thereto, or occupied therewith, or from any House, Outhouse, Cellar, Vault, or other Storehouse, or Place, which shall have been entered at the Office of Excise, by or in the Name or Names of the Person or Persons convicted for keeping or laying of Beer or Ale, or for selling the same; it shall and may be lawful for the Officer to whom such Warrant is directed, or other Person or Persons lawfully empowered or acting in his Aid or Assistance, within thirty Days after such conveying away, to seize the same wherever they may be found, and dispose of them in such Manner as if they had been distrained on the Premises; Provided always, that if any of the Goods or Chattels so removed shall be carried into any County, Riding, City, Liberty, or Place, out of the Jurisdiction of the Magistrate or Magistrates originally issuing such Warrant of Distress, it shall be lawful for any Justice of the Peace of any County, Riding, City, Liberty, or Place, into which such Goods or Chattels shall be so removed or conveyed, and he is hereby required on Proof on Oath of the Hand-writing of such Justice or Justices originally signing such Warrant, to indorse his Name on the Back thereof, which shall be sufficient Authority to any Person or Persons bringing such Warrant, and to all other Persons to whom such Warrant was originally directed, to execute such Warrant of Distress, and to proceed in such Manner as if such Goods had been found and seized within the Jurisdiction of the Justice or Justices who signed the original Warrant.

XII. And be it further enacted, That if any Person shall think himself or herself aggrieved by the Judgment of any Justice or Justices of the Peace, by or before whom he or she shall have been convicted of the Offences aforesaid, any and every such Person may appeal (and the said Justice or Justices are required to make known to such Person at the Time of his Conviction his or her Right to appeal) from and against such

Conviction to the next General Quarter Sessions of the Peace to be holden for such County, Riding, City, Division, Liberty, or Place, unless such Sessions shall be holden within six Days next after such Conviction shall be made, and in such Case to the next subsequent Sessions to be holden as aforesaid, and not afterwards, such Person at the Time of such Conviction giving to such Justice or Justices Notice in Writing of his or her Intention to appeal, and also giving Security, to the Satisfaction of such Justice or Justices, for the Payment of the Penalty, Costs, and Expences, aforesaid, in such Case Judgment shall be confirmed on such Appeal, and also further entering into a Recognizance at the Time of such Notice, with sufficient Sureties conditioned to try the Appeal, and to abide the Judgment, and pay such Costs as shall be awarded by the Justices assembled at such Sessions; and the Justices so assembled shall thereupon proceed to hear and determine the Matter of every such Appeal, and their Judgment thereon shall be final and conclusive to all Intents and Purposes whatsoever; and in case the Justices of the Peace so assembled at such Session shall find and adjudge any such Appeal to be frivolous or vexatious, it shall and may be lawful to and for them to give and adjudge to the Party or Parties grieved by such Appeal, his, her, or their reasonable Costs and Charges occasioned thereby, not exceeding in the Whole the Sum of five Pounds on any one Appeal.

No. 9.  
35 Geo. III.  
c. 113.

Sessions finally  
to determine  
Appeals, and  
may adjudge  
Costs.

XIII. And, in order to prevent frivolous and vexatious Appeals, be it further enacted by the Authority aforesaid, that a Conviction in the Form or to the Effect expressed and set forth in an Act, made in the twenty-sixth Year of the Reign of his late Majesty King George the Second, intituled, *An Act for regulating the Manner of licensing Alehouses in that Part of Great Britain called England, and for the more easy convicting Persons selling Ale and other Liquors without License*, mutatis mutandis, as the Case shall happen to be, shall be good and effectual to all Intents and Purposes whatsoever, without stating the Case, or the Facts or Evidence, in any more particular Manner.

Convictions in  
the Form set  
forth by 26 Geo.  
II cap. 31. to  
be good.

XIV. And be it further enacted, That if it shall be proved to the Satisfaction of the Justice or Justices before whom any Person shall be convicted of any Offence against this Act, that such Person hath not been before convicted of any Offence against this Act, it shall be lawful for such Justice or Justices to mitigate and lessen the Penalty hereby imposed, in case of such first Offence, but not otherwise, so as that the Penalty so mitigated and lessened shall not be less than ten Pounds.

Justices may  
mitigate Penal-

XV. Provided always, and be it enacted, That any Inhabitant of any Parish, Township, or Place, in which any Offence shall be committed contrary to this Act, shall be deemed a competent Witness, notwithstanding his or her being an Inhabitant of such Parish, Township, or Place.

Inhabitants  
may be Wit-  
nesses.

XVI. Provided always, and it is enacted, That all Penalties within this Act shall be sued for and determined within six Months after the Offences shall be committed.

Penalties to be  
determined  
within six Months

No. 9. XVII. Provided also, and be it enacted, That nothing in  
 35 Geo. III. c. 113. this Act contained shall extend, or be construed to extend, to  
 Act not to pro- prohibit selling Ale or Beer at Fairs. any Person or Persons from selling of any Ale or Beer in Booths or other Places, at the Time and Place of holding any lawful or accustomed Fair, in like Manner as such Person or Persons was or were authorised to do before the passing of this Act, by virtue of any Law or Statute in that Behalf.

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No. 10.

p. 38 Geo. III. c. 54.—An Act to amend several Laws of Excise relating to Coachmakers, Auctioneers, Beer and Cyder exported, Certificates and Debentures, Stamps on Hides and Skins, Drawbacks on Wines and Sweets, and Ale and Beer Licences.—  
 [21st. June 1798.]

No. 10. XIII. **A**ND whereas by an Act, made in the thirty-fifth  
 38 Geo. III. c. 54. Year of the Reign of his present Majesty, intituled, *An Act for the more effectual Prevention of selling Ale and other Liquors by Persons not duly licensed*, it was enacted, 'that no Person should sell Ale or Beer, by Retail, in his, her, or their House, in that Part of Great Britain called England, without being duly licensed so to do, under a certain Penalty therein provided: And whereas it is expedient to exempt Persons from the said Penalty, for or in respect of any such Sale of Beer or Ale, as is hereinafter-mentioned;' be it therefore enacted by the Authority aforesaid, That no Person shall be liable to the said Penalty for or by reason of his or their selling or disposing of Beer or Ale, in Casks, containing not less than five Gallons, or in Bottles, not less than two Dozen reputed Quart Bottles, not to be drank in his, her, or their House, Outhouse, Yard, Garden, Orchard, or other Place; any Thing in the said recited Act contained to the contrary in anywise notwithstanding.

Penalty in recited Act not to extend to Beer or Ale sold in Casks containing not less than five Gallons, or in Bottles not less than two dozen Quarts.

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No. 11.

p. 39 Geo. III. c. 86.—An Act for ascertaining the Rate of Duty to be paid for Retail Spirit Licences; and for authorising the Justices of the Peace for any County to grant Licences to sell Ale, Beer, or other Liquors, by Retail, in Cities and Places where a sufficient Number of Magistrates cannot be found qualified to grant such Licences.—  
 —[12th. July 1799.]

No. 11. III. **A**ND whereas by an Act, passed in the sixth Year of  
 39 Geo. III. c. 86. the Reign of King George the First, intituled, *An Act for preventing Frauds and Abuses in the Publick*  
 6 Geo. I. c. 21

*Revenues of Excise, Customs, Stamp Duties, Post Office, and House Money*, it is enacted, 'That all and every Person or Person, whatsoever, who shall have in his or her Custody any Brandy, Arrack, Rum, Spirits, or Strong Waters, exceeding the Quantity of sixty-three Gallons, shall be deemed and taken to be a Seller of and Dealer in Brandy, Arrack, Rum, Spirits, and Strong Waters, and subject to the Survey of the Excise: And whereas by an Act, passed in the twenty-sixth Year of the Reign of King George the Second, intituled, *An Act for the more effectually preventing the fraudulent Removal of Tobacco by Land or Water, and for the Ease of the fair Trader in Tobacco; and for ascertaining the Rates payable for the Postage of certain Letters; and for amending and explaining the Laws relating to the Sale of Spirituous Liquors by Retail*, it is enacted, That no Justice of the Peace, being a common Brewer of Ale or Beer, Innkeeper, or Distiller, or other Seller of or Dealer in Ale, or any Kind of Spirituous Liquors, or interested in any of the said Trades or Businesses, or being a Victualler or Maltster, shall, during such Time as he shall be such common Brewer, Innkeeper, Distiller, Victualler, or Maltster, or Seller of or Dealer in Ale, or other Spirituous Liquors, or interested in any of the said Trades or Businesses, be capable of or have any Power to grant any Licence or Licences to any Person or Persons for selling Ale, Beer, or any other Liquors by Retail: And whereas in divers Corporate Cities, Towns, and Places, wherein Foreign Spirituous Liquors are imported into this Kingdom, certain Persons exercising Corporate Offices, and no others, can grant Licences for selling Ale or Beer, or any other Liquors by Retail therein, and it may happen that so many of the Justices and Magistrates thereof may be disqualified from granting such Licences by Force of the said recited Acts, or that a sufficient Number of Persons exercising such Corporate Offices for the Time being may not be qualified to act therein according to the said Act, which may be productive of great Inconvenience, and may be injurious to the Publick Revenue; for Remedy whereof, be it further enacted, That from and after the passing of this Act, in case it shall happen that in any City, Town, or Place, any of the Corporate Justices or Magistrates thereof for the Time being, shall not be capable of acting in granting such Licences as aforesaid, by reason that any such Justice or Magistrate, or Justices or Magistrates therein, is or are a Seller or Sellers of, or a Dealer or Dealers in, any Foreign Spirits, then and in every such Case it shall be lawful for any Justice or Justices of the Peace, acting in and for the County at large, within which such City, Town or Place, shall be situate or next adjoining thereto, at the Request in Writing of the Chief Magistrate of any such City, Town, or Place, to act as a Justice or Justices, Magistrate or Magistrates, within such City, Town, or Place, for the Purpose of granting Licences to sell Ale, Beer, or other Liquors by Retail in such Corporate City, Town, or

No. 11.

39 Geo. III.

c. 86.

26 Geo. 2. c. 13.

In any Place where the Corporate Justices are by the two last recited Acts disqualified to grant Licences for retailing Liquors, the Justices for the County at large may grant them at the Request of the Chief Magistrate.

No. 11. Place, instead of the Justice or Justices, or Magistrate or  
 39 Geo. III. Magistrates thereof disqualified as aforesaid; any Act or Acts,  
 c. 86. or any Law, Custom, or Usage, to the contrary notwithstanding, and all such Justices, so required to act as aforesaid, shall be entitled to exercise the Powers and Jurisdictions of a Magistrate within such City, Town or Place, for the Purpose of granting such Licences as aforesaid, and in all Things relating thereto, and shall be deemed and taken to be a Magistrate of such City, Town or Place, for the Purposes aforesaid; but that such Justice or Justices shall not have any Authority, Power, or Jurisdiction, in such City, Town, or Place, by virtue of this Act, other than and for the Purposes herein-before mentioned.

## No. 12.

48 Geo. III. c. 143 — An Act to repeal the Stamp Duties on Licences granted by Justices of the Peace for selling Ale, Beer, and other Exciseable Liquors by Retail; and for granting other Duties in lieu thereof.—[2d. July 1808.]

No. 12. ' WHEREAS by an Act passed in the Forty-fourth Year  
 48 Geo. III. ' of the Reign of his present Majesty, intituled, *An*  
 c. 143. ' *Act to repeal the several Duties under the Commissioners for*  
*Stamp Act.* ' *managing the Duties upon Stamped Vellum, Parchment, and*  
 43 Geo. 3. c. 98. ' *Paper, in Great Britain, and to grant new and additional*  
*Schedule (A.)* ' *Duties in lieu thereof,* certain Stamp Duties were imposed  
 ' on Licences granted by any Justice or Justices of the Peace  
 ' or other Magistrate or Magistrates for selling Ale, Beer,  
 ' or other Exciseable Liquors by Retail: And whereas it is  
 ' expedient that the said Duties should be repealed, and other  
 ' Duties granted in lieu thereof, to be placed under the  
 ' Management of the Commissioners of Excise; be it there-  
 fore enacted by the King's most Excellent Majesty, by and  
 with the Advice and Consent of the Lords Spiritual and Tem-  
 poral, and Commons, in this present Parliament assembled,  
 and by the Authority of the same, That from and after the  
 Tenth Day of October One thousand eight hundred and eight,  
 all and singular the said Duties shall cease and determine;  
 save and except in all Cases relating to the receiving or pay-  
 ing any Arrears thereof respectively, which may at any Time  
 remain unpaid, or to any Fine, Penalty, or Forfeiture, Fines,  
 Penalties, or Forfeitures relating thereto respectively, which  
 shall have been incurred at any Time before or on the  
 said tenth Day of October one Thousand eight Hundred and  
 Eight.

Duties on Li-  
 cences to sell  
 Ale, &c under  
 recited Act re-  
 pealed.

After 10th.  
 October 1808,  
 in Great Britain  
 such Licences

II. And be it further enacted, That from and after the  
 said tenth Day of October one Thousand eight Hundred and  
 Eight, all and every Person or Persons, who shall sell Beer or

Ale by Retail, or who shall sell Cyder or Perry, to be drank or consumed in his, her, or their House or Premises, shall, before he, she, or they shall sell any Beer or Ale by Retail, or any Cyder or Perry, to be drank or consumed in his, her, or their House or Premises, take out an Excise Licence, authorizing such Person or Persons to sell Beer or Ale by Retail, and also Cyder and Perry, to be drank or consumed in his, her, or their House or Premises; which Licence shall be granted in Manner herein-after mentioned; (that is to say) If any such Licence shall be taken out within the Limits of the Chief Office of Excise in *London*, the same shall be granted under the Hands and Seals of Two or more of the Commissioners of Excise in *England* for the Time being, or of such Persons as they the said Commissioners of Excise or the major Part of them for the Time being shall from Time to Time appoint or employ for that Purpose; and if any such Licence shall be taken out in any Part of *England*, not within the said Limits, the same shall be granted under the respective Hands and Seals of the several Collectors and Supervisors of Excise within their respective Collections and Districts; and in case any such Licence shall be taken out within the Limits of the City of *Edinburgh*, the same shall be granted under the Hands and Seals of Two or more of the Commissioners of Excise in *Scotland* for the Time being; or if any such Licence shall be taken out in that Part of *Great Britain* called *Scotland*, out of the said Limits of the City of *Edinburgh*, then the same shall be granted under the respective Hands and Seals of the several Collectors and Supervisors of Excise in *Scotland*, within their respective Collections and Districts; and the said Commissioners of Excise in *England* and *Scotland* respectively, or any Two or more of them respectively, and the Persons to be appointed or employed by the said Commissioners of Excise in *England* or *Scotland* respectively, or the major Part of them, and also all such Collectors and Supervisors are hereby respectively authorized and required to grant such Licences to the Persons who shall apply for the same, on the Person or Persons so applying, first paying for such Licence a Duty of Two Pounds Two Shillings, to be applied and accounted for as herein-after directed.

No. 12.  
48 Geo III.  
c. 143  
shall be granted  
by Commissioners  
of Excise at  
the Head Of-  
fices, and by  
Collectors in the  
Country.

Licence Duty,  
2l. 2s.

III. And be it further enacted, That the Duty by this Act directed to be paid for such Licences, shall be paid at such Places or to such Persons as are herein-after in that Behalf respectively mentioned; (that is to say) For Licences which shall be taken out within the Limits of the Chief Office of Excise in *London*, the same shall be paid at the Chief Office of Excise in *London*; and for Licences which shall be taken out within the Limits of the City of *Edinburgh*, the same shall be paid at the Chief Office of Excise in *Edinburgh*; and for Licences which shall be taken out in any Part of *Great Britain*, not within the said respective Limits, the same shall be paid to the respective Collectors of Excise granting such respective Licences; and all Licences which shall be granted under and by virtue of this

Duty on such  
Licences shall  
be paid to the  
Head Office, or  
to the Collec-  
tors.



No. 12. Act, to any Person or Persons, to sell Beer and Ale by Retail,  
 48 Geo. III. and Cyder and Perry, to be drank or consumed in his, her, or  
 c. 143. their House or Premises, shall remain and continue in Force  
 Duration of until and upon the Tenth Day of *October* next ensuing the  
 Licence; 10th. Time of granting thereof, and no longer.  
 October yearly.

Time of tak- IV. Provided always, and be it further enacted, That in  
 ing out Licences all Cases where the Licence or Authority granted by any  
 in certain Cases Justices of the Peace or Magistrates, or other competent Per-  
 of Charters, &c. sons, to any Person or Persons to keep a Common Inn, Ale  
 House, or Victualling House, shall under or in pursuance of  
 any Charter, Custom, or Usage, be issued at any Time of the  
 Year except in the Month of *September*, and terminate or  
 expire at any Time of the Year except in the Month of *Sep-  
 tember*, then and in every such Case the Excise Licence  
 required by this Act to be taken out for the Sale of Beer, Ale,  
 Cyder, or Perry, shall be taken out within ten Days next after  
 the Date of the said Licence or Authority of the Justices of the  
 Peace, Magistrates, or other competent Persons, and such  
 Excise Licence shall continue in Force for twelve Calendar  
 Months next ensuing the Date of the Commencement thereof,  
 any Thing in this Act to the contrary in anywise notwith-  
 standing.

Licences shall V. And be it further enacted, That no Person or Persons  
 be renewed shall sell any Beer or Ale by Retail, or any Cyder or Perry, to  
 within ten Days be drank or consumed in his, her, or their House or Premises,  
 after Expiration, after the Expiration of such his, her, or their Excise Licence,  
 unless such Person or Persons shall take out a fresh Licence for  
 the said Purposes, in the Manner herein-before directed within  
 ten Days after the Expiration of such former Licence, and so  
 in like Manner renew every such Licence from Year to Year;  
 or if any Person or Persons shall sell any Beer or Ale by Retail,  
 or any Cyder or Perry, to be drank or consumed in his, her, or  
 their House or Premises, without first taking out an Excise  
 Licence, authorizing him, her, or them so to do, or without  
 renewing the same as is herein in that Behalf directed, he, she,  
 or they shall, for every such Offence, forfeit the Sum of Fifty  
 Pounds.

Penalty 50l.  
 Executors and VI. And be it further enacted, That upon the Death of  
 Assignees may any Person so licensed, or upon the Removal of any Person or  
 have the Benefit Persons so licensed from the entered House or Premises in  
 of Licences. which such his, her, or their Excise Licence shall authorize  
 him, her, or them to sell Beer or Ale by Retail, or Cyder or  
 Perry, to be drank or consumed in his, her, or their House or  
 Premises, it shall be lawful for the Commissioners of Excise in  
*England* and *Scotland* respectively for the Time being, or any  
 one or more of them, and to aid for the several Collectors and  
 Supervisors of Excise in *England* and *Scotland* respectively,  
 within their respective Collections and Districts, upon the  
 Production of a Certificate of a Justice of the Peace or Magis-  
 trate, or other competent Person, given after the Death or  
 Removal of the former Occupier of the House or Premises,  
 approving of the Person or Persons to whom such Certificate

shall be given, to authorise and empower such Person or Persons in like Manner to sell Beer and Ale by Retail, or Cyder and Perry, to be drank and consumed in his, her, or their House or Premises, in the same House or Premises where such Person so licensed by virtue of such Excise Licence carried on such Trade, during the Residue of the Term for which such Licence was originally granted, without taking out a new Excise Licence during the Residue of the said Term; Provided always, that Persons trading in Partnership, and in one House or Premises only, shall not be obliged to take out more than one Excise Licence to sell Beer and Ale by Retail, or Cyder and Perry, to be drank or consumed in his, her, or their House or Premises, in any one Year; and that no one Licence which shall be granted by virtue of this Act shall authorize or empower any Person or Persons to sell Beer or Ale by Retail, or Cyder or Perry, to be drank and consumed in his, her, or their House or Premises, in any other House or Premises, than the House or Premises in which he, she, or they shall sell or have sold Beer or Ale, or Cyder or Perry, at the Time of granting such Licence.

VII. Provided always, and be it further enacted, That neither his Majesty's Commissioners of Excise in *England* or *Scotland* respectively, nor any Persons who shall be appointed or employed by the said Commissioners in *England*, to grant Licences to Persons for selling Beer or Ale by Retail, or Cyder or Perry, to be drank or consumed in the House or Premises of the Person or Persons applying for such Licence, nor any of the Collectors or Supervisors of Excise, shall grant or deliver any Licence to sell Beer or Ale by Retail, or Cyder or Perry, to be drank or consumed in the House or Premises of the Person or Persons applying for such Licence, or any Licence to sell Spirituous Liquors or strong Waters or Wine or Liquors by Retail to any Person or Persons who shall not produce a Licence or Authority granted to him, her, or them in due Form of Law, by Justices of the Peace or Magistrates, or other competent Persons, to such Person or Persons to keep a common Inn, Ale House, or Victualling House, and every such Licence or Authority shall be in the Form following; *videlicet*,

County of	} <b>A</b>	At a General Meeting	for	Form of Ma-
the		the	holden	gistrate's Allow-
' at		within the said	on	ance;
' the		Day of	for	
' the Purpose of		authorizing and empowering Persons to		
' keep common Inns, Ale Houses, or Victualling Houses,				
' We		being His		
' Majesty's Justices of the Peace for the				
' or Magistrates of [as the Case may be]		do hereby authorize		
' and empower, A. B. at the Sign of				
' in the		of		in
' the		aforesaid, to keep a		

No. 12.  
48 Geo. III.  
c. 143.

Licences shall  
not be granted  
except to Per-  
sons allowed by  
Magistrates.

No. 12. ' common Inn, Ale House, or Victualling House, and to utter  
 48 Geo III. ' and sell in the House in which he now dwelleth, and in  
 c. 143. ' the Premises thereunto belonging, and not elsewhere, Vic-  
 ' tuals, and all such Exciseable Liquors as he shall be licensed  
 ' and empowered to sell under the Authority and Permission  
 ' of any Excise Licence which shall be duly granted by the  
 ' Commissioners of Excise, or Persons to be appointed or  
 ' employed by them for that Purpose, or by any Collector  
 ' and Supervisor of Excise respectively, provided that the  
 ' true Assize in Bread, in Beer, Ale, Cyder, and all other  
 ' Liquors, be duly kept, and that no unlawful Game or Games,  
 ' or any Drunkenness or other Disorder, be suffered in his  
 ' House, Yard, Garden, or Premises, but that good Order  
 ' and Rule be maintained and kept therein, according to the  
 ' Laws of this Realm in that Behalf made: The Authority  
 ' and Power hereby granted to continue in Force for One  
 ' whole Year from the Day  
 ' of and no longer. Signed.'

Saving for Re-  
 gulations as to  
 Licences, by  
 Magistrates in  
 Corporations,  
 &c.

VIII. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to repeal or alter or in any Manner to affect any Law or Laws or any Provision in any Charter or Charters or any Privilege of any City or Town Corporate or of any University now in Force, or lawfully used or exercised, in relation to the granting of Licences by any Justices, Magistrates, or other Persons authorized by Law to grant Licences for Persons keeping common Inns, Ale Houses or Victualling Houses; or in relation to the taking of any Recognizances upon granting of any such Licences, or requiring or doing any other Act, Matter or Thing relating to any such Licences: Save and except as to the Payment of Duties and Form of Licence as aforesaid, or to repeal or alter any Act or Acts of Parliament as to the Sale of Table Beer at a Price not exceeding Three Halfpence per Quart.

" Licences granted before October 10, 1808, shall continue in full Force for the Term for which granted. § 9."

Clerks to Jus-  
 tices may take  
 Fees as hereto-  
 fore.

X. And be it further enacted, That nothing in this Act contained shall extend to diminish or alter any Fees heretofore lawfully taken and received by any Clerks of any Justices or Magistrates; but it shall be lawful to continue to demand and take such and the like Fees, and no other or different Fees, for Licences to keep any common Inn, Ale House, or Victualling House, as have heretofore been taken by such Clerks in that Behalf.

Persons disa-  
 bled from keep-  
 ing Ale Houses  
 by Conviction  
 shall thereby  
 forfeit Licence  
 under this Act

XI. And be it further enacted, That every Person having any Licence to keep a common Inn, Ale House, or Victualling House, who shall be disabled by any Conviction from keeping a common Inn, Ale House, or Victualling House, shall also by such Conviction be disabled from selling any Beer or Ale by Retail, or Cyder or Perry, to be drank or consumed in his, her, or their House or Premises, under any Excise Licence

obtained for such Purposes; and every such Excise Licence shall from the Time of such Conviction be null and void to all Intents and Purposes; and in all Cases of Prosecution of any such Persons, whose Excise Licences shall have become null and void by such Conviction, a Certificate from the Clerk of the Peace, or Person acting as such, of any such Conviction, shall be legal Evidence; which Certificate such Clerk of the Peace, or other Person, is hereby authorized and required to grant on demand, without Fee or Reward.

No. 12.  
48 Geo III.  
c. 143.

XII. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed by this Act, shall be sued for, recovered, levied, or mitigated by such Ways, Means, or Methods as any Fine, Penalty, or Forfeiture may be sued for, recovered, levied, or mitigated by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland* respectively; and that One Moiety of every such Fine, Penalty, or Forfeiture shall be to his Majesty, His Heirs and Successors, and the other Moiety to him or them who shall inform, discover, or sue for the same.

Recovery and  
Application of  
Penalties.

" Powers of former Excise Acts extended to this Act.  
" § 13. Duties shall be carried to Consolidated Fund of Great  
" Britain. § 14."

## PART VI. CLASS II.

### APPRENTICES.

#### No. 1.

5 Eliz. c. 4. (1.)—An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices.

No. 1. **A**LTHOUGH there remain and stand in Force presently  
5 Eliz. c. 4. a great Number of Acts and Statutes concerning the  
A Repeal of so much of former Statutes as concerns the Hiring, Keeping, Departing, Working or Order of Servants, Labourers, &c. Retaining, Departing, Wages and Orders of Apprentices, Servants and Labourers, as well in Husbandry as in divers other Arts, Mysteries and Occupations; yet partly for the Imperfection and Contrariety that is found and doth appear in sundry of the said Laws, and for the Variety and Number of them, and chiefly for that the Wages and Allowances limited and rated in many of the said Statutes, are in divers Places too small and not answerable to this Time, respecting the Advancement of Prices of all things belonging to the said Servants and Labourers; the said Laws

(1.) This Statute, of which the greater Part has long been obsolete in practise and inapplicable to the State of Society, was probably deemed a Masterpiece of Wisdom and Policy at the Time of its being passed, when the general Fashion was to submit all Matters of private Interest as much as possible to public Regulation. The Provision which precluded Persons from exercising such Occupations as their own Convenience might suggest, without having served an Apprenticeship, was allowed to continue its Operation in the Depression of Talent and Industry, and the Encouragement of illegal Combination, in Opposition to the Judgment of every enlightened Enquirer, the Lessons of Experience, the Discouragement of Courts of Justice, and the frequent Interposition of the Legislature, in creating particular Exceptions, until the Session of Parliament immediately preceding the present Publication, when the Commerce of the Country was fortunately relieved from its Pressure.—See Statute 54 Geo. III. c. 98.—A very able and judicious View of the real Motives and Purposes of the Act for the Discouragement of Commerce and Manufactures, on Account of their supposed Opposition to the Interests of Agriculture, is taken in a Tract recently published, and included in the 5th. Volume of a Periodical Publication, called the Pamphleteer.

The Provisions of this Act, and of the subsequent Statute of 1 James Ist., for enabling and requiring Justices of Peace to regulate the Rate of Wages, (manifestly, however injudiciously, intended to operate in favour of Masters) after continuing dormant for a long Space of Time, were lately endeavoured to be brought into Operation by Combinations of Workmen: an Attempt which occasioned their Repeal, by Stat. 53 G. III. c. 40. See Post Title Servants.

I have thought it advisable, notwithstanding the Repeals above noticed, to retain the Whole of the Statute.

' cannot conveniently, without the great Grief and Burden  
' of the poor Labourer and hired Man, be put in good and  
' due Execution: And as the said several Acts and Statutes  
' were, at the Time of the making of them, thought to be  
' very good and beneficial for the Commonwealth of this  
' Realm (as divers of them are): So if the Substance of as  
' many of the said Laws as are meet to be continued, shall  
' be digested and reduced into one sole Law and Statute,  
' and in the same an uniform Order prescribed and limited  
' concerning the Wages and other Orders for Apprentices,  
' Servants and Labourers, there is good Hope that it will come  
' to pass, that the same Law (being duly executed) should  
' banish Idleness, advance Husbandry, and yield unto the  
' hired Person, both in the Time of Scarcity and in the Time  
' of Plenty, a convenient Proportion of Wages.'

No. 1.

§ Eliz. c. 4.

And a Decla-  
ration who shall  
be compellable  
to serve in Han-  
dicrafts and who  
in Husbandry,  
and their sever-  
al Duties, &c.

II. Be it therefore enacted by the Authority of this present Parliament, That as much of all the Estatutes, heretofore made, and every Branch of them, as touch or concern the Hiring, Keeping, Departing, Working, Wages, or Order of Servants, Workmen, Artificers, Apprentices and Labourers, or any of them, and the Penalties and Forfeitures concerning the same, shall be from and after the last Day of *September* next ensuing, repealed and utterly void and of none Effect; and that all the said Statutes, and every Branch thereof, or any Matter contained in them, and not repealed by this Statute, shall remain and be in full Force and Effect; any Thing in this Statute to the contrary notwithstanding.

III. And be it further enacted by the Authority aforesaid, That no Manner of Person or Persons, after the aforesaid last Day of *September* now next ensuing, shall retain, hire or take into Service, or cause to be retained, hired or taken into Service, nor any Person shall be retained, hired or taken into Service, by any Means or Colour, to work for any less Time or Term than for one whole Year, in any of the Sciences, Crafts, Mysteries or Arts of Clothiers, Woollen Cloth Weavers, Tuckers, Fullers, Clothworkers, Sheremen, Dyers, Hosiers, Taylors, Shoemakers, Tanners, Pewterers, Bakers, Brewers, Glovers, Cutlers, Smiths, Farriers, Curriers, Saddlers, Spurriers, Turners, Cappers, Hatmakers or Felmakers, Bowyers, Fletchers, Arrow-head-makers, Butchers, Cooks or Millers.

No Person  
shall retain a  
Servant in these  
Sciences under  
one whole Year.

IV. And be it further enacted, That every Person being unmarried, and every other Person being under the Age of thirty Years, that after the Feast of *Easter* next shall marry, and having been brought up in any of the said Arts, Crafts, or Sciences; or that hath used or exercised any of them by the Space of three Years, or more; and not having Lands, Tenements, Rents or Hereditaments, Copyhold or Freehold, of an Estate of Inheritance, or for Term of any Life or Lives, of the clear yearly Value of forty Shillings; nor being worth of his own Goods the clear Value of Ten Pound; and so allowed by two Justices of the Peace of the County where he hath most

What Sort of  
Persons are  
compellable to  
serve in any of  
the Crafts aforesaid.

No. 1. commonly inhabited by the Space of one whole Year, and  
 § Eliz. c. 4. under their Hands and Seals, or by the Mayor or other Head Officer of the City, Borough or Town Corporate where such Person hath most commonly dwelt by the Space of one whole Year, and two Aldermen, or two other discreet Burgeesses of the same City, Borough or Town Corporate, if there be no Aldermen, under their Hands and Seals; nor being retained with any Person in Husbandry, or in any of the aforesaid Arts and Sciences, according to this Statute; nor lawfully retained in any other Art or Science; nor being lawfully retained in Household, or in any Office, with any Nobleman, Gentleman or others, according to the Laws of this Realm; nor have a convenient Farm, or other Holding in Tillage, whereupon he may employ his Labour; shall, during the Time that he or they shall be so unmarried, or under the said Age of thirty Years, upon Request made by any Person using the Art or Mystery wherein the said Person so required hath been exercised (as is aforesaid) be retained; and shall not refuse to serve according to the Tenor of this Statute, upon the Pain and Penalty hereafter mentioned.

No Person shall put away his Servant, nor shall any Servant depart from his Master before the End of his Time. V. And be it further enacted, That no Person which shall retain any Servant, shall put away his or her said Servant, and that no Person retained according to this Statute, shall depart from his Master, Mistress or Dame, before the End of his or her Term; upon the Pain hereafter mentioned; unless it be for some reasonable and sufficient Cause or Matter to be allowed before two Justices of Peace, or one at the least, within the said County, or before the Mayor or other Chief Officer of the City, Borough or Town Corporate wherein the said Master, Mistress or Dame inhabiteth, to whom any of the Parties grievied shall complain; which said Justices or Justice, Mayor or Chief Officer, shall have and take upon them or him the Hearing and Ordering of the Matter betwixt the said Master, or Mistress or Dame and Servant, according to the Equity of the Cause.

No Servant shall depart, or be put away, but upon a Quarter's Warning. VI. And that no such Master, Mistress or Dame, shall put away any such Servant at the End of his Term, or that any such Servant shall depart from his said Master, Mistress or Dame, at the End of his Term, without One Quarter's Warning given before the End of his said Term, either by the said Master, Mistress or Dame, or Servant, the one to the other, upon the Pain hereafter ensuing.

What Sort of Persons are compellable to serve by the Year in Husbandry. VII. And be it further enacted by the Authority aforesaid, That every Person between the Age of twelve Years and the Age of sixty Years, not being lawfully retained, nor Apprenticed with any Fisherman or Mariner haunting the Seas; nor being in Service with any Kidder or Carrier of any Corn, Grain or Meal, for Provision of the City of London; nor with any Husbandman in Husbandry; nor in any City, Town Corporate or Market Town, in any of the Arts or Sciences limited or appointed by this Estatute to have or take Apprentices; nor being retained by the Year, or Half the Year at the least, for

the Digging, Seeking, Finding, Getting, Melting, Fining, Working, Trying, Making of any Silver, Tin, Lead, Iron, Copper, Stone, Sea-coal, Stone-coal, Moor-coal or Chark-coal; nor being occupied in or about the making of any Glass; nor being a Gentleman born; nor being a Student or Scholar of any of the Universities, or in any School; nor having Lands, Tenements, Rents, or Hereditaments, for Term of Life, or of Estate of Inheritance, of the clear yearly Value of Forty Shillings; nor being worth in Goods and Chattels of the Value of ten Pound; nor having a Father or Mother then living, or other Ancestor whose Heir apparent he is, then having Lands, Tenements or Hereditaments, of the yearly Value of ten Pound or above, or Goods or Chattels to the Value of forty Pound; nor being a necessary or convenient Officer or Servant lawfully retained, as is aforesaid; nor having a convenient Farm or Holding, whereupon he may or shall employ his Labour; nor being otherwise lawfully retained, according to the true Meaning of this Estatute; shall after the aforesaid last Day of September now next ensuing, by Virtue of this Estatute, be compelled to be retained to serve in Husbandry by the Year, with any Person that keepeth Husbandry, and will require any such Person so to serve, within the same Shire where he shall be so required.

VIII. And be it further enacted by the Authority of this present Parliament, That if any Person alter he hath retained any Servant, shall put away the same Servant before the End of his Term, unless it be for some reasonable and sufficient Cause to be allowed, as is aforesaid; or if any such Master, Mistress or Dame, shall put away any such Servant at the End of his Term, without One Quarter's Warning given before the said End, as is above remembred; that then every such Master, Mistress or Dame so offending, unless he or they be able to prove by two such sufficient Witnesses such reasonable and sufficient Cause of putting away of their Servant or Servants, during their Term, or a Quarter's Warning given afore the End of the said Term, as is aforesaid, before the Justices of Oyer and Terminer, Justices of Assise, Justices of the Peace in the Quarter-Sessions, or before the Mayor or other Head Officer of any City, Borough or Town Corporate, and two Aldermen, or two other discreet Burgesses of the same City, Borough or Town Corporate, if there be no Aldermen, or before the Lord President and Council established in the Marches of Wales, or before the Lord President and Council for the Time being established in the North Parts, shall forfeit the Sum of forty Shillings.

IX. And if any Servant retained according to the Form of this Estatute, depart from his Master, Mistress or Dame's Service, before the End of his Term, unless it be for some reasonable and sufficient Cause to be allowed, as is aforesaid; or if any Servant at the End of his Term depart from his said Master, Mistress or Dame's Service without One Quarter's Warning given before the End of his said Term, in Form

No 1.

5 Eliz. c. 4.

The Forfeiture for putting away his Servant within his Term, or at the End of his Term without Warning.

The Punishment of a Servant which performeth not his Duty in Service or Departure.



No. 1. aforesaid, and before two lawful Witnesses; or if any Person  
 § Eliz. c. 4. or Persons compellable and bounden to be retained, and to  
 serve in Husbandry, or in any other the Arts, Sciences or  
 Mysteries above remembred, by the Year or otherwise, do  
 (upon Request made) refuse to serve for the Wages that shall  
 be limited, rated and appointed, according to the Form of this  
 Statute; or promise or covenant to serve, and do not serve  
 according to the Tenor of the same: That then every Servant  
 so departing away, and every Person so refusing to serve for  
 such Wages, upon Complaint thereof made by the Master,  
 Mistress or Dame of the said Servant, or by the Party to or  
 with whom the said Refusal is made, or Promise not kept, to  
 two Justices of Peace of the County, or to the Mayor or other  
 Head Officer of the City, Borough or Town Corporate, and  
 two Aldermen, or two other discreet Burgesses of the same  
 City, Borough or Town Corporate, if there be no Aldermen,  
 where the said Master, Mistress or Dame, or the said Party to  
 or with whom the said Refusal is made, and Promise not kept,  
 dwelleth, or to either of the said Lords Presidents and Council,  
 of Wales, and the North, the said Justices, Lords Presidents  
 and Councils, and also the said Mayors or other Head  
 Officers, and other Persons of Cities, Boroughs or Towns  
 Corporate, or any of them, as is aforesaid, shall have Power,  
 by Force of this Statute, to hear and examine the Matter; and  
 finding the said Servant, or the said Party so refusing, faulty  
 in the Premises, upon such Proofs and good Matter as to their  
 Discretion shall be thought sufficient, to commit him or them to  
 Ward, there to remain without Bail or Mainprise, until the  
 said Servant or Party so offending shall be bound to the Party  
 to whom the Offence shall be made, to serve and continue  
 with him for the Wages that then shall be limited and  
 appointed, according to the Tenor and Form of this Estate-  
 tute, and to be discharged upon his Delivery, without pay-  
 ing any Fee to the Gaoler where he or they shall be so impris-  
 oned.

None may de-  
 part forth of the  
 City, Town,  
 Parish, &c.,  
 without a Testi-  
 monial.

X. And be it likewise enacted by the Authority aforesaid,  
 That none of the said retained Persons in Husbandry, or  
 in any the Arts or Sciences above remembred, after the Time  
 of his Retainer expired, shall depart forth of one City, Town  
 or Parish to another; nor out of the Lath, Rape, Wapentake  
 or Hundred; nor out of the County or Shire where he last  
 served, to serve in any other City, Town Corporate, Lath,  
 Rape, Wapentake, Hundred, Shire or County; unless he  
 have a Testimonial under the Seal of the said City or Town  
 Corporate, or of the Constable or Constables, or other Head  
 Officer or Officers; and of two other honest Householdiers of  
 the City, Town or Parish, where he last served, declaring  
 his lawful Departure, and the Name of the Shire and Place  
 where he dwelled last before his Departure, according to  
 the Form hereafter expressed in this Act: Which Certificate  
 or Testimonial shall be written and delivered unto the said  
 Servant, and also registred by the Parson, Vicar or Curate of

the Parish where such Master, Mistress or Dame doth or shall dwell, taking for the doing thereof Two-pence, and not above: And the Form thereof shall be as followeth:

*Memorandum*, That *A. B.* late Servant to *C. D.* of *E.* Husbandman, or Taylor, &c. in the County, &c., is licensed to depart from his said Master, and is at his Liberty to serve elsewhere, according to the Statute in that Case made and provided. In Witness whereof, &c. Dated the Day, Month, Year and Place, &c., of the Making thereof.

The Form of the Testimonial.

XI. And be it further enacted by the Authority aforesaid, That no Person or Persons that shall depart out of a Service, shall be retained or accepted into any other Service, without shewing before his Retainer, such Testimonial as is above-remembred, to the Chief Officer of the Town Corporate, and in every other Town and Place, to the Constable, Curate, Churchwarden, or other Head Officer of the same, where he shall be retained to serve; upon the Pain that every such Servant so departing without such Certificate or Testimonial, shall be imprisoned until he procure a Testimonial or Certificate; the which if he cannot do within the Space of one and twenty Days next after the first Day of his Imprisonment, then the said Person to be whipped and used as a Vagabond according to the Laws in such Cases provided; and that every Person retaining any such Servant, without shewing such Testimonial or Certificate, as is aforesaid, shall forfeit for every such Offence five Pounds: And if any such Person shall be taken with any counterfeit or forged Testimonial, then to be whipped as a Vagabond.

No Servant shall be retained without shewing his Testimonial  
Hertley 164.

The Master shall pay v. h. that retaineth a Servant without a Testimonial.

Counterfeit Testimonials.

XII. And be it further enacted by the Authority aforesaid, That all Artificers and Labourers, being hired for Wages by the Day or Week, shall betwixt the Midst of the Months of *March* and *September* be and continue at their Work at or before five of the Clock in the Morning, and continue at work and not depart until betwixt seven and eight of the Clock at Night (except it be in the Time of Breakfast, Dinner or Drinking, the which Times at the most shall not exceed above two Hours and a Half in a Day, that is to say, at every Drinking one Half Hour, for his Dinner one Hour, and for his Sleep when he is allowed to sleep, the which is from the Midst of *May* to the Midst of *August*, Half an Hour at the most, and at every Breakfast one Half Hour:) And all the said Artificers and Labourers, between the Midst of *September* and the Midst of *March*, shall be and continue at their Work from the Spring of the Day in the Morning until the Night of the same Day, except it be in Time before appointed for Breakfast and Dinner; upon Pain to lose and forfeit one Penny for every Hour's Absence, to be deducted and defaulted out of his Wages that shall so offend.

How long Labourers shall continue at their Work.

No. 1. XIII. And be it also enacted by the Authority aforesaid,  
 5 Eliz. c. 4 That every Artificer and Labourer that shall be lawfully  
 or No Artificer retained in and for the Building or Repairing of any Church,  
 shall depart be- House, Ship, Mill or every other Piece of Work taken in  
 fore his Work Great, in Task or in Gross, or that shall hereafter take upon  
 be finished, him to make or finish any such Thing or Work, shall continue  
 and not depart from the same, unless it be for not paying  
 of his Wages or Hire agreed on, or otherwise lawfully  
 taken or appointed to serve the Queen's Majesty, her Heirs  
 or Successors, or for other lawful Cause, or without Licence of  
 the Master or Owner of the Work, or of him that hath  
 the Charge thereof, before the finishing of the said Work;  
 upon Pain of Imprisonment by one Month, without Bail  
 or Mainprize; and the Forfeiture of the Sum of five Pounds  
 to the Party from whom he shall so depart; for the which  
 the said Party may have his Action of Debt against him  
 that shall so depart, in any of the Queen's Majesty's Court of  
 Record, over and besides such ordinary Costs and Damages  
 as may or ought to be recovered by the Common Laws, for or  
 concerning any such Offence: In which Action no Protection,  
 Wager of Law or Essoin shall be admitted.

XIV. And that no other Artificer or Labourer retained  
 in any Service, to work with the Queen's Majesty or any  
 other Person, depart from her said Majesty or from the said  
 other Person, until such Time as the Work be finished, if the  
 Person so retaining the Artificer or Labourer so long will have  
 him, and pay him his Wages or other Duties; upon Pain of  
 Imprisonment of every Person so departing, by the Space  
 of one Month.

The Wages of XV. And for the Declaration and Limitation what Wages  
 Servants, La- Servants, Labourers and Artificers, either by the Year or Day  
 bourers, Arti- or otherwise, shall have and receive, Be it enacted by the  
 cers, shall be Authority of this present Parliament, That the Justices of  
 assessed by the Peace of every Shire, Riding and Liberty within the Limits  
 Justices of of their several Commissions, or the more Part of them, being  
 Peace, Sheriff, then resident within the same, and the Sheriff of that County  
 &c. if he conveniently may, and every Mayor, Bailiff, or other  
 2 Roll 269 Head Officer within any City or Town Corporate wherein is  
 Bridgm. 119. any Justice of Peace, within the Limits of the said City  
 or Town Corporate, and of the said Corporation, shall before  
 the tenth Day of June next coming, and afterward shall yearly  
 at every General Sessions first to be holden and kept after  
 Easter or at some Time convenient within six Weeks next  
 following every of the said Feasts of Easter, assemble them-  
 selves together; and they (so assembled) calling unto them  
 such discreet and grave Persons of the said County or of the  
 said City or Town Corporate, as they shall think meet, and  
 conferring together, respecting the Plenty or Scarcity of the  
 Time and other Circumstances necessarily to be considered,  
 shall have Authority by Virtue thereof within the Limits  
 and Pincincts of their several Commissions, to limit, rate and  
 appoint the Wages, as well of such and so many of the said

Artificers, Handycraftsmen, Husbandmen or any other Labourer, Servant or Workman, whose Wages in Time past hath been by any Law or Statute rated and appointed, as also the Wages of all other Labourers, Artificers, Workmen or Apprentices of Husbandry, which have not been rated, as they the same Justices, Mayors or Head Officers within their several Commissions or Liberties shall think meet by their Discretions to be rated, limited or appointed by the Year or by the Day, Week, Month or otherwise, with Meat and Drink or without Meat and Drink, and what Wages every Workman or Labourer shall take by the Great, for Mowing, Reaping or Threshing of Corn and Grain, or for Mowing or Making of Hay, or for Ditching, Paving, Railing or Hedging, by the Rod, Pearch, Lugg, Yard, Pole, Rope or Foot, and for any other Kind of reasonable Labours or Service; and shall yearly before the twelfth Day of July next after the said Assessments and Rates so appointed and made, certify the same ingrossed in Parchment, with the Considerations and Causes thereof, under their Hands and Seals, into the Queen's most honourable Court of Chancery; whereupon it shall be lawful to the Lord Chancellor of England, or Lord-Keeper of the Great Seal for the Time being, upon Declaration thereof to the Queen's Majesty, her Heirs or Successors, or to the Lords and others of the Privy Council for the Time being, attendant upon their Persons, to cause to be printed and sent down before the fifth Day of September next after the said Certificate into every County, to the Sheriff and Justices of Peace there, and to the said Mayor, Bailiff and Head Officers, ten or twelve Proclamations or more, containing in every of them the several Rates appointed by the said Justices and other Head Officers, as is aforesaid, with Commandment by the said Proclamations, to all Persons, in the Name of the Queen's Majesty, her Heirs or Successors, straightly to observe the same, and to all Justices, Sheriffs and other Officers, to see the same duly and severally observed, upon the Danger of the Punishment and Forfeiture limited and appointed by this Estalute: Upon Receipt whereof the said Sheriffs, Justices of Peace, and the Mayor and Head Officer in every City or Town Corporate, shall cause the same Proclamations to be entered of Record by the Clerk of the Peace or by the Clerk of the City or Town Corporate. And the said Sheriffs, Justices, and other the said Mayor and Head Officers, shall forthwith in open Markets, upon the Market-Days before *Michaelmas* then ensuing, cause the same Proclamation to be proclaimed in every City or Market-Town within the Limits of their Commission, and the same Proclamation to be fixed in some convenient Place of the said City and Town, or in such of the most occupied Market Towns, as to the said Sheriffs, Justices of Peace and to the said Mayor and Head Officers shall be thought meet.

XVI. And if the said Sheriffs, Justices of Peace, or the Mayor or Head Officer, shall at their said General Sessions, or

No. 1.

§ Eliz. c. 4.

Explained by

1 Jac. 1. c. 6.

3 Jones, Sir Tho.

47.

Repealed by

53 G. III. c.

40.

Proclamations shall be made of the Rates of the Wages of Servants, &c.

Continuance

or Alteration of

the Rates of

No. 1. at any Time after within six Weeks then following, upon their  
 5 Eliz. c. 4. Assembly or Conference together, think it convenient to retain  
 Wages at the and keep for the Year then to come the Rates and Proportions of  
 Justices Discre- Wages that they certified the Year before, or to change or to  
 tion. reform them or some Part of them; then they shall before the  
 said twelfth Day of *July* yearly certify into the said Court of  
 Chancery their Resolutions and Determinations therein, to the  
 Intent that the Proclamations may accordingly be renewed and  
 sent down. And if it shall happen, that there be no need of  
 any Reformation or Alteration of the Rates of the said Wages,  
 but that the former shall be thought meet to be continued; then  
 the Proclamations for the Year past shall remain in Force until  
 new Proclamations upon new Rates concerning the said Wages  
 shall be sent down according to the Form of this Estatute.

The Fine  
 of the Justices,  
 Mayor, Bailiffs,  
 &c. which be  
 absent at the  
 Taxing of Ser-  
 vants Wages.

XVII. And be it further enacted by Authority of this  
 present Parliament, That if all the said Justices of Peace,  
 residing within the Counties where they are or shall be Justices  
 of Peace, Mayors and Head Officers, do not before the tenth  
 Day of *June* next coming, and afterward yearly appear and  
 assemble at the said General Sessions, or within six Weeks  
 next after the said General Sessions, and limit and rate the  
 Wages of the said Servants and Labourers, or shall not con-  
 sider whether the former Rates made be meet to be continued  
 or to be altered and reformed in Manner and Form aforesaid,  
 or be negligent or remiss in the Certificate thereof in Form  
 above-written, that then every Justice of Peace of the County,  
 and every Mayor or Head Officers of the City or Town Cor-  
 porate, in whom any such Default or Negligence shall be  
 found, being within the said County, City or Town Corporate  
 at the Time of the said next Assembly, or at the Time of  
 the said Sessions, or at the Times of the said Rates of Wages  
 to be set, within six Weeks next after every such Sessions,  
 and not visited with any such Sickness as he could not travel  
 thither without Peril and Danger of his Life, or not having  
 any other lawful and good Excuse, to be allowed by the  
 Justices then assembled for the Rating and Taxing of Wages  
 as is aforesaid, or by the more Part of them, upon a corporal  
 Oath and Affidavit to be taken and made openly before the  
 said Justices upon the Holy Evangelists, by some credible  
 Person assessed and taxed in the Book of Subsidy of that  
 County to the clear Value of five Pounds at the least, or  
 by such other Person as the most Part of such Justices shall  
 allow and accept to take such Oath, shall for such Default or  
 Negligence forfeit unto the Queen's Majesty, her Heirs and  
 Successors, ten Pounds of lawful Money of *England*.

The Punish-  
 ment of him  
 that giveth more  
 Wages than is  
 taxed by the  
 Justices, &c.

XVIII. And be it further enacted by the Authority afore-  
 said, That if any Person after the said Proclamation shall  
 be so sent down and published, shall by any secret Ways  
 or Means, directly and indirectly retain or keep any Servant,  
 Workman or Labourer, or shall give any more or greater  
 Wages or other Commodity, contrary to the true Intent and  
 Purport of this Estatute, or contrary to the Rates or Wages

that shall be assessed or appointed in the said Proclamations; that then every Person that shall so offend, and be thereof lawfully convicted before any the Justices or other Head Officers above remembred, or either of the said Presidents and Councils, shall suffer Imprisonment by the Space of ten Days, without Bail or Mainprise, and shall lose and forfeit five Pounds of lawful Money of England. No. 1.  
5 Eliz. c. 4.

XIX. And that every Person that shall be so retained and take Wages contrary to this Estatute or any Branch thereof, or of the said Proclamation, and shall be thereof convicted before the Justices aforesaid or any two of them, or before the Mayor or other Head Officers aforesaid, shall suffer Imprisonment by the Space of one and twenty Days, without Bail or Mainprise. The Punishment of the Servant, Labourer, &c. that taketh more Wages than is taxed.

XX. And that every Retainer, Promise, Gift or Payment of Wages or other Thing whatsoever contrary to the true Meaning of this Estatute, and every Writing and Bond to be made for that Purpose, shall be utterly void and of none Effect. Every Retainering contrary to this Statute shall be void.

XXI. And be it enacted by the Authority aforesaid, That if any Servant, Workman or Labourer, shall wilfully or maliciously make any Assault or Affray upon his Master, Mistress or Dame, or upon any other that shall at the Time of such Assault or Affray, have the Charge or Oversight of any such Servant, Workman or Labourer, or of the Work wherein the said Servant, Workman or Labourer, is appointed or hired to work, and being thereof convicted before any two of the Justices, Mayor, or other Head Officer aforesaid, where the said Offence is committed, or before either of the said Lords Presidents and Council before remembred, by Confession of the said Servant, Workman or Labourer, or by the Testimony, Witness and Oath of two honest Men; that then every such Offender shall suffer Imprisonment by the Space of one whole Year or less, by the Discretion of two Justices of Peace, if it be without a Town Corporate; and if it be within a Town Corporate, then by the Discretion of the Mayor or Head Officer of the same Town Corporate, with two others of the discreetest Persons of the same Corporation at the least: And if the Offence shall require further Punishment, then to receive such other open Punishment, as it extend not to Life nor Limb, as the Justices of Peace in open Sessions, or as the more Part of them, or the said Mayor or Head Officer, and Six, or Four at the least, of the discreetest Persons of the same Corporation, before whom the Offence shall be examined, shall think convenient for the Quality of the said Offence so done or committed. The Punishment of the Servant that maketh Assault upon his Master, Mistress, or Overseer.

XXII. Provided always, and be it enacted by the Authority aforesaid, That in the Time of Hay or Corn Harvest, the Justices of Peace and every of them, and also the Constable or other Head Officer of every Township, upon Request, and for the Avoiding of the Loss of any Corn, Grain or Hay, shall and may cause all such Artificers and Persons as be meet to Artificers compellable to work in Haytime and Harvest.

No. 1. labour, by the Discretions of the said Justices or Constables  
 5 Eliz. c. 4. or other Head Officers, or by any of them, to serve by the Day for the Mowing, Reaping, Shearing, Getting or Inning of Corn, Grain and Hay, according to the Skill and Quality of the Person; and that none of the said Persons shall refuse so to do, upon Pain to suffer Imprisonment in the Stocks by the Space of two Days and one Night: And the Constable of the Town or other Head Officer of the same, where the said Refusal shall be made, upon Complaint to him made, shall have Authority by Virtue hereof to set the said Offender in the Stocks for the Time aforesaid, and shall punish him accordingly, upon Pain to lose and forfeit for not doing thereof the Sum of forty Shillings.

A Proviso for  
 somewhat go into  
 other Shires for  
 Work in Hay-  
 time and Har-  
 vest.

XXIII. Provided also, That all Persons of the Counties where they have accustomed to go into other Shires for Harvest-work, and having at that Time no Harvest-work sufficient in the same Town or County where he or they dwell in the Winter then last past, bringing with him or them a Testimonial under the Hand and Seal of one Justice of the Peace of the Shire, or other Head Officer of the Town or Place that he or they come from, testifying the same, for the which he shall pay not above one Penny (other than such Persons as shall be retained in Service, according to the Form of this Estatute) may repair and resort in Harvest of Hay or Corn, from the Counties wherein their Dwelling-places are, into any other Place or County, for the only Mowing, Reaping and Getting of Hay, Corn or Grain, and for the only working of Harvest-works, as they might have done before the Making of this Estatute; any Thing herein contained to the contrary notwithstanding.

Women com-  
 pellable to serve  
 that be above  
 twelve & under  
 forty Years old,  
 unmarried, and  
 forth of Service.

XXIV. And be it further enacted by the Authority aforesaid, That two Justices of Peace, the Mayor or other Head Officer of any City, Borough or Town Corporate, and two Aldermen, or two other discreet Burgesses of the same City, Borough or Town Corporate, if there be no Aldermen, shall and may, by Virtue hereof, appoint any such Woman as is of the Age of twelve Years, and under the Age of forty Years and unmarried, and forth of Service, as they shall think meet to serve, to be retained or serve by the Year, or by the Week or Day, for such Wages, and in such reasonable Sort and Manner as they shall think meet; and if any such Woman shall refuse so to serve, then it shall be lawful for the said Justices of Peace, Mayor or Head Officers, to commit such Woman to Ward, until she shall be bounden to serve as is aforesaid.

Husbandmen  
 may take Ap-  
 prentices.

XXV. And for the better Advancement of Husbandry and Tillage, and to the Intent that such as are fit to be made Apprentices to Husbandry, may be bounden thereunto, Be it enacted by the Authority of this present Parliament, That every Person being an Householder, and having and using Half a Plough-land at the least in Tillage, may have and receive as an Apprentice any Person above the Age of ten

Years, and under the Age of eighteen Years, to serve in Husbandry, until his Age of one and twenty Years at the least, or until the Age of twenty-four Years, as the Parties can agree, and the said Retainer and Taking of an Apprentice, to be made and done by Indenture. (2.)

XXVI. And be it further enacted, That every Person being an Housholder, and twenty-four Years old at the least, dwelling or inhabiting, or which shall dwell and inhabit in any City or Town Corporate, and using and exercising any Art, Mystery or Manual Occupation there, shall and may, after the Feast of *St. John Baptist* next coming, during the Time that he shall so dwell or inhabit in any such City or Town Corporate, and use and exercise any such Mystery, Art or Manual Occupation, have and retain the Son of any Freeman, not occupying Husbandry, nor being a Labourer, and inhabiting in the same, or in any other City or Town that now is or hereafter shall be and continue incorporate, to serve and be bound as an Apprentice after the Custom and Order of the City of *London*, for seven Years at the least, so as the Term and Years of such Apprenticeship do not expire or determine afore such Apprenticeship shall be of the Age of twenty-four Years at the least.

XXVII. Provided always, and be it enacted, That it shall not be lawful to any Person dwelling in any City or Town Corporate, using or exercising any of the Mysteries or Crafts of a Merchant, trafficking by Traffick or Trade into any the Parts beyond the Sea, Mercer, Draper, Goldsmith, Ironmonger, Imbroiderer or Clothier, that doth or shall put Cloth to Making and Sale, to take any Apprentice or Servant to be instructed or taught in any of the Arts, Occupations, Crafts or Mysteries which they or any of them do use or exercise; except such Servant or Apprentice be his Son; or else that the Father and Mother of such Apprentice or Servant shall have, at the Time of taking such Apprentice or Servant, Lands, Tenements, or other Hereditaments, of the clear yearly Value of forty Shillings of one Estate of Inheritance or Freehold at the least, to be certified under the Hands and Seals of three Justices of the Peace of the Shire or Shires where the said Lands, Tenements, or other Hereditaments, do or shall lie, to the Mayor, Bailiff or other Head Officers of such City or Town Corporate, and to be inrolled among the Records there.

XXVIII. And be it further enacted, That from and after the said Feast of *St. John the Baptist* next, it shall be lawful to every Person being an Housholder, and four and twenty Years old at the least, and not occupying Husbandry, nor being a Labourer, dwelling or inhabiting, or that shall hereafter dwell or inhabit in any Town not being incorporate, that now is or

(3.) No Contract of Apprenticeship takes place under this Act except by Deed indented; and, therefore, no Action is maintainable for seducing an Apprentice engaged by Deed Poll. *Smith. v. Birch.* 1 Sess. ca. 222. But by Statute 31 G. II. c. 11. no Person bound an Apprentice shall be liable to be removed by Reason of the Writing not being indented. — This Statute makes no Alteration in the Law except with respect to Settlements.



**No. 1.** hereafter shall be a Market-Town, so long as the same shall be  
 5 **Eliz. c. 4.** weekly used and kept as a Market-Town, and using or exercising any Art, Mystery or Manual Occupation during the Time of his Abode there, and so using and exercising such Art, Mystery or Manual Occupation as aforesaid, to have in like Manner to Apprentice or Apprentices, the Child or Children of any other Artificer or Artificers, not occupying Husbandry, nor being a Labourer, which now do or hereafter shall inhabit or dwell in the same, or in any other such Market-Town within the same Shire, to serve as Apprentice or Apprentices as is aforesaid, to any such Art, Mystery or Manual Occupation, as hath been usually exercised in any such Market-Town, where such Apprentice shall be bound in Manner and Form abovesaid.

What Apprentices Merchants &c. dwelling in a Market-Town not Corporate may take.  
 Cro. El. 723.

**XXIX.** Provided always, and be it enacted, That it shall not be lawful to any Person, dwelling or inhabiting in any such Market-Town, using or exercising the Feat, Mystery or Art of a Merchant, trafficking or trading into the Parts beyond the Seas, Mercer, Draper, Goldsmith, Ironmonger, Imbroiderer or Clothier, that doth or shall put Cloth to Making and Sale, to take any Apprentice, or in any wise to teach or instruct any Person in the Arts, Sciences or Mysteries last before recited, after the Feast of St. John Baptist aforesaid; except such Servant or Apprentice shall be his Son; or else that the Father or Mother of such Apprentice shall have Lands, Tenements or other Hereditaments, at the Time of taking such Apprentice, of the clear yearly Value of three Pounds, of one Estate of Inheritance or Freehold at the least, to be certified under the Hands and Seals of three Justices of the Peace, of the Shire or Shires where the said Lands, Tenements or other Hereditaments do or shall lie, to the Head Officers or Head Officer of such Market-Town where such Apprentice or Servant shall be taken, there to be intolled by such Head Officers always to remain of Record.

These Artificers may take Apprentices whose Parents may dispense no Land.

**XXX.** And be it further enacted, That from and after the said Feast it shall be lawful to any Person using or exercising the Art or Occupation of a Smith, Wheel-wright, Plough-wright, Mill-wright, Carpenter, Rough Mason, Plaisterer, Sawyer, Lime-burner, Brick-maker, Bricklayer, Tyler, Slater, Hefler, Tyle-maker, Linnen-weaver, Turner, Cowper, Millers, Earthen Potters, Woollen Weaver weaving Huswives or Household Cloth only and none other Cloth, Fuller, otherwise called Tucker or Walker, Burner of Oare and Wood-Ashes, Thatcher or Shingler, wheresoever he or they shall dwell or inhabit, to have or receive the Son of any Person as Apprentice in Manner and Form aforesaid, to be taught and instructed in these Occupations only, and in none other, albeit the Father or Mother of any such Apprentices have not any Lands, Tenements or Hereditaments.

1 Lev. 249.  
 2 Salk. 611.  
 Carthew 169.  
 13 Mod 152.

None may use any Manual Occupation, except as hath been

**XXXI.** And be it further enacted by the Authority aforesaid, That after the first Day of May next coming, it shall not be lawful to any Person or Persons, other than such as now

do lawfully use or exercise any Art, Mystery or Manual Occupation, to set up, occupy, use or exercise any Craft, Mystery or Occupation, now used or occupied within the Realm of *England* or *Wales*; except he shall have been brought up therein seven Years at the least as an Apprentice, in Manner and Form abovesaid; nor to set any Person on work in such Mystery, Art or Occupation, being not a Workman at this Day: except he shall have been Apprentice as is aforesaid; or else having served as an Apprentice as is aforesaid, shall or will become a Journeyman, or be hired by the Year; upon Pain that every Person willingly offending or doing the contrary, shall forfeit and lose for every Default forty Shillings for every Month.

No. 1.  
5 Eliz. c. 4.  
Apprentice to the same, &c.

Repealed 54  
G. III. c. 96.

XXXII. Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons using or exercising the Art or Mystery of a Woollen Cloth-weaver, other than such as be inhabiting within the Counties of *Cumberland*, *Westmoreland*, *Lancaster* and *Wales*, weaving Frizes, Cottons or Huswives Cloth only, Making and Weaving Woollen Cloth commonly sold or to be sold by any Clothman or Clothier, shall take and have any Apprentice, or shall teach or in any wise instruct any Person or Persons in the Science, Art or Occupation of Weaving aforesaid, in any Village, Town or Place (Cities, Towns Corporate and Market-Towns only except) unless such Person be his Son, or else that the Father or Mother of such Apprentice or Servant shall at the Time of the Taking of such Person or Persons to be an Apprentice or Servant, or to be so instructed, have Lands or Tenements or other Hereditaments, to the clear yearly Value of three Pounds at the least, of an Estate of Inheritance or Freehold, to be certified under the Hands and Seals of three Justices of the Peace of the Shire or Shires where the said Lands, Tenements or other Hereditaments do or shall lie; The Effect of the Indenture to be registred within three Months in the Parish where such Master shall dwell, and to pay for such Registring four Pence; upon Pain of Forfeiture of twenty Shillings for every Month that any Person shall otherwise take any Apprentice, or set any such Person on work contrary to the Meaning of this Article.

What Sort of Persons Woollen Weavers may take Apprentices.

Repealed by 5  
& 6 W. & M. c. 9.

XXXIII. And be it further enacted by the Authority aforesaid, That all and every Person and Persons that shall have three Apprentices in any of the said Crafts, Mysteries or Occupations of a Cloth-maker, Fuller, Sheerman, Weaver, Taylor or Shoemaker, shall retain and keep one Journeyman, and for every other Apprentice above the Number of the said three Apprentices, one other Journeyman, upon Pain for every Default therein ten Pounds.

He that hath three Apprentices must keep one Journeyman.

XXXIV. Provided always, That this Act, nor any Thing therein contained, shall not extend to prejudice or hinder any Liberties heretofore granted by any Act of Parliament, to or for the Company and Occupation of Worsted-makers and Worsted-weavers within the City of *Norwich*, and elsewhere within the County of *Norfolk*, which Liberties be in Force

A Provision for the Liberties of Worsted-makers in Norwich and Norfolk.  
14 & 15 H. 8.  
c. 3.

**No. 1.** until the Beginning of this present Parliament; any Thing  
**5 Eliz. c. 4.** herein contained to the contrary in any wise notwithstanding.  
 The Punish- XXXV. And be it further enacted, That if any Person  
 ment of him that refuserh to be an Apprentice, shall be required by any Housholder, having and using Half  
 a Plough-land at the least in Tillage, to be an Apprentice,  
 and to serve in Husbandry, or in any other Kind of Art,  
 Mystery or Science before expressed, and shall refuse so to  
 do, That then upon the Complaint of such Housekeeper made  
 to one Justice of the Peace of the County wherein the said  
 Refusal is or shall be made, or of such Housholder inhabiting  
 in any City, Town Corporate or Market-Town, to the Mayor,  
 Bailiffs or Head Officer of the said City, Town Corporate  
 or Market-Town, if any such Refusal shall there be, they  
 shall have full Power and Authority by Virtue hereof, to send  
 for the same Person so refusing: And if the said Justice,  
 or the said Mayor or Head Officer shall think the said Person  
 meet and convenient to serve as an Apprentice in that Art,  
 Labour, Science or Mystery, wherein he shall be so then  
 required to serve: That then the said Justice, or the said  
 Mayor or Head Officer, shall have Power and Authority by  
 Virtue hereof, if the said Person refuse to be bound as an  
 Apprentice, to commit him unto Ward, there to remain until  
 he be contented, and will be bounden to serve as an Appren-  
 tice should serve, according to the true Intent and Meaning  
 of this present Act. And if any such (3.) Master shall misuse  
 or evil intreat (4.) his Apprentice, or that the said Apprentice  
 shall have any just Cause to complain, or the Apprentice do  
 not his Duty to his Master, (5.) then the said Master or Appren-  
 tice being grieved, and having Cause to complain, shall repair  
 unto one Justice of Peace within the said County, or to the  
 Mayor or other Head Officer of the City, Town Corporate,  
 Market-Town or other Place where the said Master dwelleth,  
 who shall by his Wisdom and Discretion take such Order  
 and Direction between the said Master and his Apprentice,  
 as the Equity of the Cause shall require; and if for want of  
 good Conformity in the said Master, the said Justice of Peace  
 or the said Mayor or other Head Officer cannot compound and  
 agree the Matter between him and his Apprentice, then the said  
 Justice, or the said Mayor or other Head Officer, shall take Bond  
 of the said Master to appear at the next Sessions (6.) then to be

The Remedy  
 for the Appren-  
 tice which is  
 misused by his  
 Master, and for  
 the Master  
 when the Ap-  
 prentice doth  
 not his Duty.

1 *M.d.* 287.  
 1 *Salk.* 67. 68.  
 2 *Salk.* 490.  
 491.

(3) This was held in *R. v. Gately*, 2 *Salk.* 471. to relate only to the Occupations mentioned in the Act; but was afterwards, in *Rex v. Collingbourne*, 2 *Ld. Raym.* 1410. 1 *Str.* 663, ruled to be general.

(4) This extends to Neglect of Instruction. *R. v. Amies*, 1 *Bott.* 574. — A Discharge for using unkindly is too loose. *R. v. Easman*, 2 *Str.* 1014.

(5) Incapable Sickness (*viz.* the King's Evil) in the Apprentice held no Ground of Discharge. *R. v. Inhabitants of Hales Owen*, 1 *Str.* 99. [But Qu. how could this Question arise with the Inhabitants of a Parish?] A Discharge of an Apprentice, as being an Idiot incapable of learning his Trade, had been previously held good. *Anon. Skin.* 114.

(6) The Sessions have original Jurisdiction, without previous Application to a Justice of Peace. *R. v. Johnson*, 1 *Salk.* 68 — *R. v. Gill*, 1 *Str.* 113 — *R. v. Davis*, 2 *Str.* 704. — *R. v. Easman*, *Temp. Hard.* 101 But it must be a General Sessions 2 *Skin.* 98.

holden in the said County, or within the said City, Town Corporate or Market-Town, to be before the Justices of the said County, or the Mayor or Head Officer of the said Town Corporate or Market-Town, if the said Master dwell (7.) within any such; and upon his Appearance (8.) and Hearing of the Matter before the said Justices, or the said Mayor or other Head Officer, if it be thought meet unto them to discharge (9.) the said Apprentice of his Apprenticeship, that then the said Justices, or four of them at the least, whereof one to be of the *Quorum*; or the said Mayor or other Head Officer, with the Assent of three other of his Brethren, or Men of best Reputation within the said City, Town Corporate or Market Town, shall have Power by Authority hereof, in Writing under their Hands and Seals, (10.) to pronounce and declare, That they have discharged the said Apprentice of his Apprenticeship, and the Cause thereof; and the said Writing so being made and enrolled by the Clerk of the Peace or Town-Clerk, amongst the Records that he keepeth, shall be a sufficient Discharge for the said Apprentise against his Master, his Executors and Administrators; the Indenture of the said Apprenticeship, or any Law or Custom to the contrary notwithstanding. And if the Default shall be found to be in the Apprentice, then the said Justices, or the said Mayor or other Head Officer, with the Assistance aforesaid, shall cause such due Correction and Punishment to be ministred unto him, as by their Wisdom and Discretions shall be thought meet.

No. 1.  
§ Eliz. c. 4.

Where an Apprentice may be discharged of his Apprenticeship.

XXXVI. Provided always, and be it enacted by Authority of this present Parliament, That no Person shall by Force or Colour of this Estatute be bounden to enter into any Apprenticeship, other than such as be under the Age of twenty-one Years.

None shall be bound to be Apprentices but those which be under xxi. Years of Age.

(7.) The Sessions of Middlesex have Jurisdiction, when the Master, being a Freeman of London, dwells there, although the Indentures are enrolled in London, notwithstanding the Saving of the Privileges of the City of London, by Sec 40 R. v. Collingbourne, Str. 663.

(8.) The Order is good although the Master do not appear, being bound over to do so. *Ditton's Case*, 2 Salk 490 — But the Order must set forth that the Party appeared or was summoned. *R. v. Gill*, 1 Str. 113. — *R. v. Easman*, 2 Str. 1013.

(9.) In *Hawkesworth and Hillary's Case*, 1 Saund. 314 the Order directed Part of the Premium to be returned; but the Right of doing so does not appear to have been brought before the Court. In *Du Hamel's Case*, 2 Skin. 108. the Court held that the Power to order Money to be returned was incident to the Power to discharge. So *Rex v. Johnson*, Salk. 67. — In *R. v. Vandeleer*, M. 4. Geo. I. Str. 69, the Order was to return the Premium, and also to pay £5 as a further Provision. The Court said, that it was very hard that if the Master misuse his Apprentice he should pay nothing back if he is discharged, but the Statute being silent, the Order must be quashed. In *Rex v. Amies*, H. 6 Geo II. 1 Bott. 574. Pl. 806. 2 Barn. K. B. 214. 296. Sess W. 190, an Opinion is expressed in Favour of the Power, by Probyn. I.; but the Order having been set aside on other Grounds, this is merely a Dictum, and the Case of *R. v. Vandeleer*, against the Power, is the latest actual Authority upon the Subject.

(10.) It is a fatal Defect if the Order do not appear to be under Hand and Seal. *Hawkesworth and Hillary's Case*, 1 Saund. 314. — *R. v. Gately*, Carth. 198. Comb. 344. (by the Name of *Gately v. Green*) Anon. 2 Salk. 470.

No. 1. XXXVII. And to the End that this Estatute may from  
 5 Eliz. c. 4. Time to Time be carefully and diligently put in good Execu-  
 tion, according to the Tenor and true Meaning thereof, be it  
 enacted by Authority of this present Parliament, That the Jus-  
 tices of Peace of every County, dividing themselves into  
 several Limits, and likewise every Mayor and Head Officer of  
 any City or Town Corporate, shall yearly between the Feast  
 of St. Michael the Archangel, and the Nativity of our Lord,  
 and between the Feast of the Annunciation of our Lady and  
 the Nativity of St. John Baptist, by all such Ways and Means  
 as to their Wisdoms shall be thought most meet, make a special  
 and diligent Enquiry of the Branches and Articles of this  
 Estatute, and of the good Execution of the same; and where  
 they shall find any Defaults, to see the same severely corrected  
 and punished, without Favour, Affection, Malice or Displea-  
 sure.

The Justices  
 Allowance for  
 their Pains.

XXXVIII. And in Consideration of the Pains and Travel  
 that the said Justices of Peace, and the said Mayor and Head  
 Officer shall take and sustain in and about the Execution of this  
 Estatute, it is further ordained and enacted by Authority of  
 this present Parliament, That every Justice of Peace, Mayor  
 or Head Officer, for every Day that he shall sit in and about  
 the Execution of this Estatute, shall have allowed unto him five  
 Shillings, to be allowed and paid unto him, or unto the said  
 Mayor or Head Officer, of the Fines and Forfeitures of the  
 Pains and Penalties that shall be forfeited and due unto the  
 Queen's Majesty, her Heirs and Successors, by Force of this  
 Estatute, in such Manner and Form as the said Justices have  
 been heretofore commonly paid for their Coming and Charges  
 at the Quarter Sessions; so that the Sitting of the said Justices  
 or Mayor, or Head Officer, be not at any one Time above  
 three Days, and for the Matters contained in this Estatute.

Who shall have  
 the Forfeitures  
 mentioned in  
 this Statute.  
 Moor 886.  
 1 Cro. 499.

XXXIX. And be it enacted by the Authority aforesaid,  
 That the one Half of all Forfeitures and Penalties expressed  
 and mentioned in this Estatute, other than such as are expressly  
 otherwise appointed, shall be to our Sovereign Lady the  
 Queen's Majesty, her Heirs and Successors, and the other  
 Moiety to him or them that shall sue for the same in any of  
 the Queen's Majesty's Courts of Record, or before any of  
 the Justices of Oyer and Terminer, or before any other Justices,  
 or President and Council before remembered, by Action of  
 Debt, Information, Bill or Complaint of otherwise; in which  
 Actions or Suits, no Protections, Wager of Law or Essoin  
 shall be allowed; and that the said Justices, or two of them,  
 whereof one to be of the Quorum, and the said Presidents  
 and Council, as is aforesaid, and the said Mayors or other  
 Head Officers of Cities or Towns Corporate, shall have full  
 Power and Authority to hear and determine all and every  
 Offence and Offences that shall be committed or done against  
 this Estatute, or against any Branch thereof, as well upon  
 Indictment to be taken before them in the Sessions of the  
 Peace, as upon Information, Action of Debt, or Bill of Com-

Justices of  
 Peace, Mayor,  
 &c. may hear  
 and determine  
 all Offences  
 committed  
 against this Sta-  
 tute. 31 El. c.  
 5. 1 Saik. 370.  
 2 Ld. Raymond  
 767.  
 6 Mod. 220.

plaint to be sued or exhibited by any Person; and shall and may by Virtue hereof make Process against the Defendant, and award Execution, as in any other Case they lawfully may by any the Laws and Statutes of this Realm; and shall yearly in *Michæmas* Term certify by Estreat, the Fines and Forfeitures of every the Offences contained in this Estatute, that shall be found before them, into the Court of Exchequer, in like Sort and Form as they be bound to certify the Estreats for other Offences and Forfeitures to be lost before them; any Thing in this Statute contained to the contrary notwithstanding.

No. 1.  
5 Eliz. c. 4.

XL. Provided always, That this Act, or any Thing therein contained or mentioned, shall not be prejudicial or hurtful to the Cities of *London* and *Norwich*, or to the lawful Liberties, Usages, Customs or Privileges of the same Cities, for or concerning the having or taking of any Apprentice or Apprentices; but that the Citizens and Freemen of the same Cities shall and may take, have and retain Apprentices there, in such Manner and Form as they might lawfully have done before the making of this Statute; this Act, or any Thing therein contained, to the contrary in any wise notwithstanding.

A Proviso for the Cities of London & Norwich.

XLI. And be it also further enacted; That all Indentures, Covenants, Promises and Bargains of or for the having, taking or keeping of any Apprentice, otherwise hereafter to be made or taken, than is by this Statute limited, ordained and appointed, shall be clearly void in the Law, to all Intents and Purposes; (11.) and that every Person shall from hence-

The Forfeiture of him that taketh a Prentice otherwise than is limited by this Statute.

(11.) It is fully settled that these Words shall be construed to render the Indenture of Apprenticeship absolutely void, and that it is only voidable; although a different Construction is put upon the same Words in Statutes 8 Ann. c. 9, 9 Ann. c. 21, imposing a Duty on Præsumption of Apprenticeship: as to which, see *Jackson v. Warwick*, 1 T. R. 321. The Principle that Indentures not conformable to the Statute are only voidable, was first applied to Cases of Settlement; but in *Rex v. Evered*, *Call*: 26 cited. 16. East. 2711, it was held that a Person who, when an Infant, had been bound an Apprentice for six Years, and, when of Age, had run away, (alleging afterwards that he did so with intent to avoid the Indentures) was subject to Punishment. *Aston* I said, "Supposing the Indentures voidable, I cannot conceive that the Apprentice's running away could avoid them; had he served regularly, and during such Service declared his Intention to depart, it might have been different: here he would make use of his Offence in order to avoid the Punishment that attends it; but it is too late to do it before a Justice when charged with a Crime." And this Case was admitted as Authority in *Gray v. Cookson*, 16 East 13. In *Rex v. Wingham*, 6 T. R. 557, (a Settlement Case) an Infant, bound for less than seven Years with his Master's Consent, entered into the King's Service; and this was held not to be such an Avoidance of the Indenture as to enable him to acquire a Settlement by Service during the Term. Lord Kenyon, after expressing his Opinion that the Indenture had not been put an End to, added, "But I desire it may not be taken for granted, that an Infant who binds himself Apprentice, a Contract so notoriously for his own Benefit, may put an End to that Contract at any Time during his Minority. I enter my Protest against discussing that Question now; it will be sufficient to determine it when it necessarily arises." And in *Asheroff v. Berles*, 6 T. R. 652, it was ruled, that an Action lies for harbouring an Apprentice bound for six Years, who left his Master's Service after attaining the Age of 21, and the Court said, that, supposing the Indentures to be void, which they were not

No. 1. forth take or newly retain any Apprentice contrary to the  
 5 Eliz. c. 4. Tenor and true Meaning of this Act, shall forfeit and lose  
 for every Apprentice so by him taken, the Sum of ten  
 Pounds.

He that is  
 bound Appren-  
 tice within the  
 Age of xij  
 years is compel-  
 able to servc.  
 Cro. Car. 179.

XLII. And because there hath been, and is some  
 Question and Scruple moved, whether any Person, being  
 within the Age of one and twenty Years, and bounden  
 to serve as an Apprentice, in any other Place than in the  
 said City of London, should be bounden, accepted and taken  
 as an Apprentice;

XLIII. For the Resolution of the said Scruple and Doubt,  
 be it enacted by Authority of this present Parliament, That  
 all and every such Person or Persons that at any Time or  
 Times from henceforth shall be bounden by Indenture to serve  
 as an Apprentice in any Art, Science, Occupation or Labour,  
 according to the Tenor of this Estatute, and in Manner and  
 Form aforesaid, albeit the same Apprentice, or any of them,  
 shall be within the Age of one and twenty Years, at the Time  
 of the making of their several Indentures, shall be bounden  
 to serve for the Years in their several Indentures contained, as  
 amply and largely to every Intent, as if the same Apprentice  
 were of full Age at the Time of the making of such Inden-  
 tures; any Law, Usage or Custom to the contrary notwith-  
 standing. (12.)

prepared to decide, the mere Act of quitting the Master's Service was not  
 an Avoidance of them. See Note to Section 43, infra. — It is very difficult to  
 conceive how such strong Words as those in the Statute respecting Contracts  
 being clearly void, could be reconciled to the Doctrine, that such Contracts  
 were in any Respect voidable; or how the Decisions in Support of the  
 Validity of such Contracts can be reconciled with numerous Decisions respect-  
 ing other Subjects; or the same Subject, as regulated by a different Act, in  
 which similar Words have received a Construction according to their full and  
 literal Signification. Still less is the Construction which has prevailed to be  
 reconciled with the general Scope and Object of the Statute, in subjecting  
 almost every Occupation to minute, however injudicious, Regulation.  
 Neither can it be conceived, upon what legal Principle Words, which are so  
 strong and positive in themselves, should not only be reduced in their Con-  
 struction below their natural and ordinary Signification, but should be held to  
 be so absolutely nugatory and inefficient as to admit of no possible Operation,  
 even with Respect to the most solemn and formal Avoidance of an Instru-  
 ment, which the Law has declared to be absolutely void. — As to the Suppo-  
 sition of a Contract of Apprenticeship being so notoriously for the Benefit of  
 the Infant, it is a Supposition which, when taken generally and indiscriminately,  
 is absolutely and notoriously false; as the actual Benefit must depend upon a  
 great many adventitious Circumstances, with Respect to the Kind of Occu-  
 pation, the Variations in the Course of Trade, the Skill, the Character, and  
 the Disposition, of the respective Parties. But of all the Difficulties incident  
 to the Subject, the greatest will be, to reconcile the Decision in *Ashcroft*  
*v. Bertles*, to that in the Case *ex parte Davies*, mentioned in the following  
 Note.

(12) This Clause seems sufficiently explicit with Respect to the  
 obligatory Force of Contracts of Apprenticeship entered into by Infants,  
 conformably to the Regulations of the Statute, but in the Case *ex parte*  
*Davies*, 5 T. R. 715, a Woman, who had been bound for seven Years,  
 having attained the Age of twenty-one, was discharged on *Habeas Corpus*;  
 and Lord Kenyon said, "Every Indenture of an Infant is voidable at his  
 Election. But when the Binding is under the Authority of an Act of  
 Parliament, that takes away the Power of electing to vacate the Inden-

XLIV. Provided always, and be it enacted by the Authority afore-said, That the Inhabitants now dwelling or inhabiting, or that hereafter shall dwell or inhabit within the Town of Godalming within the County of Surrey, within the Limits of the Watch of the said Town, may use and exercise such Arts, Mysteries and Occupations, and take and use Apprentices and Servants, in such Manner and Form as the Inhabitants within Market-Towns by this Statute may lawfully do.

No. 1.  
5 Eliz. c. 4.  
A Proviso for the Inhabitants of Godalming, in Surrey.

XLV. Provided always, and be it enacted by the Authority aforesaid, That all manner Amerciaments, Fines, Issues and Forfeitures which shall arise, grow, or come by Reason of any Offences or Defaults mentioned in this Act, or any Branch thereof, within any City or Town Corporate, shall be levied, gathered and received by such Person or Persons of the same City or Town Corporate, as shall be appointed by the Mayor or other Head Officers mentioned in this said Act, to the Use and Maintenance of the same City or Town Corporate, in such Case and Condition as any Manner other Amerciaments, Fines, Issues or Forfeitures have been used to be levied and employed within the same City or Town Corporate, by Reason of any Grant or Charter from the Queen's Majesty that now is, or of any her Grace's Noble Progenitors, made and granted to the same City, Borough or Town Corporate; any Thing or Clause before-mentioned and expressed in this Act to the contrary notwithstanding.

Who shall have the Forfeiture in Cities and Towns Corporate.

XLVI. Provided always, that this Act, or any Thing therein contained, shall not extend to any lawful Retainings or Covenants had or made before the Making of this Act, but that

Retainings and Covenants made before this Statute.

tures But I know of no Act which prohibits the Party in a Case like the present, to make such Election upon her coming of Age. The Apprentice ought not to have been bound longer than till she was twenty-one, and we ought now to discharge her." — In *ex parte Gill*, 7 East. 376. an Apprentice having applied for a Habeas Corpus, after being committed under the Authority of 20 G. II. c. 19, notwithstanding he objected that the Indenture was not obligatory after he came of Age, the Court held, that he must be remanded; and that, however the Circumstances laid before the Court by Affidavit might, if well founded, be Matter of Defence against the Charge before the Magistrates, they could not be then examined by the Court; that if the Defence had been made before the Magistrates, and they had disregarded it, the Party had a Remedy against them; but that the Court had no Authority to discharge the Apprentice from his Indentures; and that there was a Mistake in that Respect in the Report of *Davis's Case*; the Judgment of the Court there being, that "the Apprentice should be discharged out of the Custody of her Master, in whose Custody she was when brought up before the Court." Upon reviewing these Authorities, I cannot help thinking that it would have been more accurate to have said, that *Davis's Case* was hastily and improperly decided, than that it was erroneously reported; as there is no Trace of any other Custody than that Control which a Master regularly has over his Apprentice, and the Whole-Tenor of the Judgment applies to the Power of rescinding the Contract, and not to any Complaint of improper Confinement and Coercion. The Power under Statute 43 Eliz. c. 2. (see the next Number of this Class) of Binding poor Apprentices, is with Respect to Women confined to 21, or Marriage, but so far is there from being any Thing in the Statute 5 Eliz. with Respect to Apprentices in general, to indicate such Restriction, that by Section 25 it is provided, that the Apprentices there mentioned shall be bound until the Age of 21 Years at the least, or 24 Years, as the Parties can agree; and by Sect. 26, the Party is to be bound to the Age of 24 Years at least.



No. 1. all and every the Parties to such Retainings or Covenants shall  
 5 Eliz. c. 4. and may have the same and like Advantages of such Retainings  
 and Covenants, and of the Statutes heretofore in that Behalf  
 provided, as if this Act had never been had or made; any  
 Clause of Repeal or other Matter whatsoever in this Act to the  
 Contrary in any wise notwithstanding.

A Remedy for  
 those Servants  
 which depart  
 from their Mas-  
 ters, and do flee  
 into other  
 Shires.

XLVII. And be it further enacted by the Authority afore-  
 said. That if any Servant or Apprentice of Husbandry, or of  
 any Art, Science or Occupation aforesaid, unlawfully depart  
 or flee into any other Shire; that it shall be lawful to the said  
 Justices of Peace, and to the said Mayors, Bailiffs and other  
 Head Officers of Cities and Towns Corporate, for the Time  
 being Justices of Peace there, to make and grant Writs of  
*Capias*, so many, and such as shall be needful, to be directed  
 to the Sheriffs of the Counties, or to other Head Officers of the  
 Places whither such Servants or Apprentices shall so depart or  
 flee, to take their Bodies, returnable before them at what Time  
 shall please them; so that if they come by such Process, that  
 they may be put in Prison till they shall find sufficient Surety well  
 and honestly to serve their Masters, Mistresses or Dames from  
 whom they so departed or fled, according to the Order of the  
 Law.

High Constables may keep  
 Statute Sessions.

XLVIII. Provided always, That it shall be lawful to the  
 High Constables of Hundreds in every Shire, to hold, keep  
 and continue Petty-Sessions, otherwise called Statute-Sessions,  
 within the Limits of their Authorities, in all Shires wherein  
 such Sessions have been used to be kept, in such Manner and  
 Form as heretofore hath been used and accustomed, so as  
 Nothing be by them done therein, contrary or repugnant to this  
 present Act. (12.)

## No. 2.

43 Eliz. c. 2. — An Act for the Relief of the Poor. (1.)

19.

No. 2.  
 43 Eliz. c. 2.  
 Binding of  
 Children Ap-  
 prentices.

1 Jac. I. c. 25.  
 3 Car. I. c. 4.

v. **A**ND be it further enacted, That it shall be lawful for  
 the said Churchwardens and Overseers, or the greater  
 Part of them, by the Assent of any two Justices of the Peace  
 aforesaid, to bind any such Children, as aforesaid to be  
 Apprentices, where they shall see convenient, till such Man-  
 Child shall come to the Age of Four and twenty Years, and  
 such Woman-Child to the Age of one and twenty Years, or the  
 Time of her Marriage; the same to be as effectual to all  
 Purposes as if such Child were of full Age, and by Indenture  
 of Covenant bound him or herself.

(12.) It was omitted to Notice at the proper Place, with Reference to  
 Sections VI. and XIV., that the Power of rating Wages is held to give, by  
 Implication, a Power of recovering them before Justices of Peace. *R. v.*  
*Gough*, 2 Salk. 441. But this Power, as well as the Power of Discharge,  
 (See: VI.) is confined to the Case of Servants in Husbandry; and it must  
 appear on the Face of the Order that it was a Service in Husbandry. *R. v.*  
*Welling*, 1 Str. 8. — *R. v. Clegg*, 1 Str 475. — *R. v. Hulcot*, 6 T. R. 563. —  
 As to the Power of discharging the Servant for Insanity, see the last men-  
 tioned Case, of *R. v. Hulcot*.

(1.) See this Act at large, with Notes, Post Title Poor.

## No. 3.

No. 3.  
7 Jas. I. c. 3.

7 James I. c. 3.—An Act for the Continuing and better Maintenance of Husbandry and other manual Occupations, by the true Employment of Monies given and to be given for the Binding out of Apprentices.

[See this Statute in Part 4, in the Class relating to Courts of Equity]

## No. 4.

8 and 9 William III. c. 30.—An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom. (1.)

D.

V. **A**ND whereas by an Act made in the three and fortieth Year of the Reign of Queen Elizabeth, intituled, *An Act for the Relief of the Poor*, it is amongst other Things enacted, That it shall be lawful for the Churchwardens and Overseers of the Poor of any Parish, or the greater Part of them, by the Assent of two Justices of the Peace, whereof one to be of the *Quorum*, to bind poor Children Apprentices, where they shall see convenient; but there being Doubts whether the Persons to whom such Children are to be bound, are compellable to receive such Children as Apprentices, that Law hath failed of its due Execution; Be it therefore enacted and declared by the Authority aforesaid, That where any poor Children shall be appointed to be bound Apprentices, pursuant to the said Act, the Person or Persons, to whom they are so appointed to be bound, shall receive and provide for them, according to the Indenture signed and confirmed by two Justices of the Peace, and also execute the other Part of the said Indentures; and if he or she shall refuse so to do, Oath being thereof made by one of the Churchwardens, or Overseers of the Poor, before any two of the Justices of the Peace for that County, Liberty, or Riding; he or she for every such Offence shall forfeit the Sum of ten Pounds, to be levied by Distress and Sale of the Goods of any such Offender, by Warrant under the Hands and Seals of the said Justices, the same to be applied to the Use of the Poor of that Parish or Place where such Offence was committed; saving always to the Person, to whom any poor Child shall be appointed to be bound an Apprentice as aforesaid; if he or she shall think themselves aggrieved thereby, his or her Appeal to the next General or Quarter Sessions of the Peace for that County or Riding, whose Order therein shall be final, and conclude all Parties.

No. 1.  
8 & 9 Will. III.  
c. 30.  
43 Eliz. c. 2.

Poor Children bound Apprentices pursuant to the Act 43 Eliz. c. 2. those to whom they are bound, to provide for them according to the Indenture signed by the Justices, &amp;c.

Penalty on Offender

Persons to whom young Children are bound being aggrieved, may appeal to the Justice.

(1.) See this Act at large, with Notes, Post Title Poor.

No. 5.  
2 and 3 Anne,  
c. 6.

No. 5.  
2 and 3 Anne, c. 6.\*—An Act for the Increase of Seamen, and better Encouragement of Navigation, and Security of the Coal Trade.

[\* This Act contains several Regulations with Respect to Binding Apprentices to the Sea Service, which, on Account of the limited Nature of the Subject, it is not thought material to insert. They are fully stated in Burn, Title Apprentices.]

### No. 6.

20 George II. c. 19.—An Act for the better Adjusting and more easy Recovery of the Wages of certain Servants; and for the better Regulation of such Servants, and of certain Apprentices.

No. 6.  
20 Geo. II.  
c. 19.  
5 Eliz. c. 4.  
Jac. 1. c. 6

Differences to  
be determined  
by a Justice of  
Peace.

Justices to ex-  
amine Servants,  
&c. upon Oath,

‘WHEREAS the Laws now in being, for the better Regulation of Servants, and for the Payment of Wages to them, and to Artificers, Handicraftsmen and Labourers, are insufficient and defective:’ For Remedy whereof, be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fifth Day of March, which will be in the Year of our Lord one thousand seven hundred and forty-seven, all Complaints, Differences, and Disputes, which shall happen and arise between Masters or Mistresses, and Servants in Husbandry, who shall be hired for one Year, or longer, or which shall happen or arise between Masters or Mistresses, and Artificers, Handicraftsmen, Miners, Colliers, Keelmen, Pitmen, Glassmen, Potters, and other Labourers (1.) employed for any certain Time, or in any other Manner, shall be heard and determined by one or more Justice or Justices of the Peace of the County, Riding, City, Liberty, Town Corporate, or Place, where such Master or Mistress shall inhabit, although no Rate or Assessment of Wages has been made that Year by the Justices of the Peace or Shire, Riding, or Liberty, or by the Mayor, Bailiffs, or other Head Officer, where such Complaints shall be made, or where such Differences or Disputes shall arise; which said Justice or Justices is and are hereby empowered to examine upon Oath, any such

(1.) This Provision extends to all Labourers in general, as well as those in the particular Occupations mentioned; and includes the Case of a Person sinking a Well, to be paid by the Pieter. See *Lowther v. the Earl of Radnor*, 8 East. 113. Some Objections having been made in Consequence of Provisions in subsequent Acts, appearing to interfere with this Construction, Lord Ellenborough said, “The true Answer seems to be, that at the Time of passing one Act the Legislature has not always had every other Act, containing Provisions bearing upon the same Subject, brought under its Consideration.”

Servant, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or other Labourer, or any other Witness or Witnesses, touching any such Complaint, Difference or Dispute, and to make such Order for Payment of so much Wages to such Servant, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or other Labourer, as to such Justice or Justices shall seem just and reasonable, provided that the Sum in Question do not exceed ten Pounds with regard to any Servant, nor five Pounds with regard to any Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or Labourer; and in Case of Refusal or Nonpayment of any Sums so ordered, by the Space of one and twenty Days next after such Determination, such Justice and Justices shall and may issue forth his and their Warrant to levy the same by Distress and Sale of the Goods and Chattels of such Master or Mistress, or Person employing such Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or other Labourer, rendering the Overplus to the Owners, after Payment of the Charges of such Distress and Sale.

No. 6.  
20 Geo. II.  
c. 19.

and make Order for Payment of Wages due, if under a certain Sum.

On Nonpayment, to be levied by Distress and Sale.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Justice or Justices, upon Application or Complaint made, upon Oath, by any Master, Mistress, or Employer, (2.) against any such Servant, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or Labourer, touching or concerning any Misdemeanor, Miscarriage, or Ill-behaviour, in such his or her Service or Employment (which Oath such Justice or Justices is and are hereby impowered to administer) to hear, examine, and determine the same; and to punish the Offender by Commitment to the House of Correction, there to remain and be corrected, (3.) and held to hard Labour for a reasonable Time, not exceeding one Calendar Month, or otherwise by abating some Part of his or her Wages, or by discharging such Servant, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or Labourer, from his, her or their Service or Employment: And in like Manner also it shall and may be lawful to and for such Justice or Justices, upon any Complaint or Application, upon Oath, by any such Servant, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or other Labourer, against such Master, Mistress, or Employer, touching or concerning any Misusage, Refusal of necessary

Justices to hear Masters Complaints on Oath;

and to punish the Offender.

Justices to hear Servants Complaints on Oath,

(2.) The Employer is the Person on whose Service the Employment is, and not the Bailiff, though the Contract of Hiring may have been made personally with the Bailiff. *R. v. Hoseason* 14. East. 605.

(3.) Correction means corporal Punishment by Whipping, and is a necessary Part of the Judgment. A Commitment to the House of Correction, there to be corrected, imports Correction by Whipping, but under the Statute, 6 G. 3. c. 25, (the next Number) which authorizes a Commitment for not more than three Months, or less than one, bodily Correction is no Part of the Sentence. *Rex. v. Hoseason*, ubi. *supr.*—The Commitment must state that the Party was convicted, not merely that he was charged. *R. v. Cooper*, 6 T. R. 509.

No. 6. Provision, Cruelty, or other Ill-treatment of, to or towards such Servant, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or other Labourer, and to summon the Master, &c. and upon satisfactory Proof to discharge the Servant.

20 Geo. II. c. 19.

and to summon the Master, &c.

and upon satisfactory Proof to discharge the Servant.

Justice of the Peace, or Justices of the Peace, or any one or more of them, may, upon Oath, of his or her being duly summoned; and upon Proof thereof made, upon Oath, to his or their Satisfaction, to discharge such Servant, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or other Labourer, of and from his said Service and Employment; which Discharge shall be given under the Hand and Seal, or Hands and Seals of such Justice or Justices *gratis*.

Justices on Complaint of Apprentices,

to summon the Master, &c.

and upon satisfactory Proof, to discharge the Apprentice.

Justices upon Complaint of Masters against Apprentices, and Proof upon Oath, to punish the Offender by Commitment,

III. And be it further enacted, by the Authority aforesaid, That it shall and may be lawful, to and for any two or more such Justices, upon any Complaint or Application by any Apprentice, put out by the Parish, or any other Apprentice, upon whose binding out no larger a Sum than five Pounds of lawful British Money was paid, touching or concerning any Misusage, Refusal of necessary Provision, Cruelty, or other Ill-treatment of or toward such Apprentice, by his or her Master or Mistress, to summon such Master or Mistress to appear before such Justices at a reasonable Time to be named in such Summons; and such Justices shall and may examine into the Matter of such Complaint; and upon Proof thereof made, upon Oath, to their Satisfaction (whether the Master or Mistress be present, or not, if Service of the Summons be also, upon Oath, proved) the said Justices may discharge such Apprentice, by Warrant or Certificate under their Hands and Seals; for which Warrant or Certificate no Fees shall be paid.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Justices, upon Application or Complaint made, upon Oath, by any Master or Mistress, (1.) against any such Apprentice, touching or concerning any Misdemeanor, Miscarriage, or Ill-behaviour, in such his or her Service (which Oath such Justices are hereby empowered to administer), to hear, examine, and determine the same and to punish the Offender by Commitment to the House of Correction, there to remain and be corrected, and held to hard Labour for a reasonable Time not exceeding one Calendar Month, or otherwise by discharging such Apprentice, in Manner and Form before mentioned. (5.)

(4.) The Application must be made by the Master or Mistress, but it may be verified by the Oath of any other Person who knows the fact complained of.—Finlay v. Joule, 12, East. 248.

(5.) This Provision is not repealed by Statute 6 G. 3. c. 25; (the next Number) empowering Justices to oblige an Apprentice to serve the Time of Absence after the Expiration of his Term.—Gray v. Cookson, 16, East. 12.

V. Provided nevertheless, That if any Person or Persons shall think himself, herself, or themselves aggrieved by such Determination, Order or Warrant of such Justice or Justices as aforesaid, (save and except any Order of Commitment) (6.) he, she, or they may appeal to the next General Quarter Sessions of the Peace to be held for the County, Riding, Liberty, City, Town Corporate, or Place where such Determination or Order shall be made; which said next General Quarter Sessions is hereby impowered to hear and finally determine the same, and to give and award such Costs to any of the respective Persons, Appellant or Respondent, as the said Sessions shall judge reasonable, not exceeding forty Shillings; the same to be levied by Distress and Sale, in Manner before mentioned.

No. 6.

20 Geo. II.  
c. 19.Persons ag-  
grieved may ap-  
peal

Exception.

Costs not to  
exceed 40s.

VI. Provided also, and be it further enacted by the Authority aforesaid, That no Writ of *Certiorari*, or other Process, shall issue or be issuable to remove any Proceedings whatsoever, had in pursuance of this Act, into any of his Majesty's Courts of Record at *Westminster*.

No *Certiorari*.

VII. Provided always, That nothing in this Act contained shall extend to the Stannaries in the Counties of *Devon* and *Cornwall*.

Stannaries not  
included.

(6.) There is no Appeal against a Conviction and Order of Commitment in Execution; which, under this Act, are one and the same Thing *R. v. Justices of Staffordshire*, 12, East. 572.

### No. 7.

6 George III. c. 25.—An Act for better regulating Apprentices, and Persons working under Contract. (1.)

No. 7.  
6 Geo. III.  
c. 25.

‘WHEREAS Persons employed in several Manufactories of this Kingdom frequently take Apprentices who are very young, and for several Years of their Apprenticeships, are rather a Burthen than otherwise to their Masters: And whereas it frequently happens that such Apprentices, when they might be expected to be useful to their Masters, absent themselves from their Service: And whereas the Laws in being are not sufficient to prevent these Inconveniences: For Remedy whereof, may it please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of June, one thousand seven hundred and sixty-six, if any Apprentice shall absent himself from his Master's Service before the Term of his Apprenticeship shall be expired, every such Apprentice shall, at any Time or Times thereafter, whenever he shall be found, be compelled to serve

Justices impow-  
ered to oblige  
Apprentice to  
serve for such  
Term as he  
shall absent, &c

(1.) See the Notes to the preceding Number.

No. 7.  
6. Geo. III.  
c. 25.

his said Master for so long a Time as he shall have so absented himself from such Service, unless he shall make Satisfaction to his Master for the Loss he shall have sustained by his Absence from his Service; and so, from Time to Time, as often as any such Apprentice shall, without Leave of his Master, absent himself from his Service before the Term of his Contract shall be fulfilled: And in case any such Apprentice shall refuse to serve as hereby required, or to make such Satisfaction to his Master, such Master may complain, upon Oath, to any Justice of the Peace of the County or Place where he shall reside, which Oath such Justice is hereby empowered to administer, and to issue a Warrant under his Hand and Seal for apprehending any such Apprentice; and such Justice, upon hearing the Complaint, may determine what Satisfaction shall be made to such Master by such Apprentice, and in case such Apprentice shall not give Security to make such Satisfaction according to such Determination, it shall and may be lawful for such Justice to commit every such Apprentice to the House of Correction for any Time not exceeding three Months.

except as to App  
rentices paying  
tol. fee;

II. Provided always, That nothing in this Act contained shall extend to any Apprentice, whose Master shall have received with such Apprentice the Sum of ten Pounds.

or where seven  
Years shall have  
elapsed.

III. Provided also, That no Apprentice shall be compelled to serve for any Time or Term, or to make any Satisfaction to any Master, after the Expiration of seven Years next after the End of the Term for which such Apprentice shall have contracted to serve; any Thing herein contained to the contrary notwithstanding.

See 20 Geo. II.  
c. 19.  
32 Geo. II. c.  
11. s. 3.

Justices im-  
powered to grant  
Warrants  
against Artifi-  
cers, &c. not  
fulfilling their  
Contract, &c.

IV. And, whereas it frequently happens that Artificers, Callicoe Printers, Handicraftsmen, Miners, Colliers, Keelmen, Pitmen, Glassmen, Potlers, Labourers, and others, who contract with Persons for certain Terms, do leave their respective Services before the Terms of their Contracts are fulfilled; to the great Disappointment and Loss of the Persons with whom they so contract; For Remedy whereof, be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of June, one thousand seven hundred and sixty-six, if any Artificer, Callicoe Printer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer, or other Person, shall contract with any Person whomsoever, for any Time or Times whatsoever, and shall absent himself from his Service before the Term of his Contract shall be completed, or be guilty of any other Misdemeanor; that then, and in every such Case, it shall and may be lawful for any Justice of the Peace of the County or Place where any such Artificer, Callicoe Printer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer, or other Person, shall be found, and such Justice is hereby authorized and empowered, upon Complaint thereof made upon Oath to him by the Person

with whom such Artificer, Callicoe Printer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer, or other Person, shall have so contracted, or by his or her Steward or Agent, which Oath such Justice is hereby impowered to administer, to issue his Warrant for the apprehending every such Artificer, Callicoe Printer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer, or other Person, and to examine into the Nature of the Complaint; and if it shall appear to such Justice that any such Artificer, Callicoe Printer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer, or other Person, shall not have fulfilled such Contract, or hath been guilty of any Misdemeanor, it shall and may be lawful for such Justice to commit every such Person to the House of Correction for the County or Place where such Justices shall reside, for any time not exceeding three Months, nor less than one Month.

No. 7.  
6 Geo. III.  
c. 25.

V. Provided always, That if any Person shall think himself aggrieved by such Determination, Order, or Warrant, of any Justice of the Peace as aforesaid, except an Order of Commitment, every such Person may appeal to the next General Quarter Sessions of the Peace to be held for the County or Place where such Determination or Order shall be made; such Person giving six Days Notice of his Intention of bringing such Appeal, and of the Cause and Matter thereof, to such Justice of the Peace and the Parties concerned, and entering into a Recognizance within three Days after such Notice, before some Justice of the Peace for such County or Place, with sufficient Surety, conditioned to try such Appeal at, and abide the Order or Judgment of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; which said Justices, at their said Sessions, upon due Proof of such Notice being given, and of entering into such Recognizances as aforesaid, shall and are hereby directed to proceed in, hear, and determine, the Causes and Matters of all such Appeals; and shall give such Relief and Costs to the Parties appealing or appealed against, as they, in their Discretion, shall judge proper and reasonable; and their Judgments and Orders therein shall be final and conclusive to all Parties concerned.

Appeal.

VI. Provided also, That nothing in this Act contained shall extend to the Stannaries in the Counties of *Devon* and *Cornwall*, or to impeach or lessen the Jurisdiction of the Chamberlain of the City of *London*, or of any other Court within the said City, touching Apprentices.

Stannaries &  
London.



## No. 8.

18 George III. c. 47. — An Act to amend such Part of an Act, made in the forty-third Year of the Reign of Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor*, as relates to the binding of Parish Apprentices.

No. 8.

18 Geo III.  
c. 47.

43 Eliz. c. 2.

No Child to  
continue an App-  
rentice after  
the Age of 21.

‘ WHEREAS in and by an Act, made in the forty-third Year of the Reign of Queen *Elizabeth* (intituled, *An Act for the Relief of the Poor*), it was enacted, That it should be lawful for the Churchwardens and Overseers therein mentioned, or the greater Part of them, by the Assent of any two Justices of the Peace, to bind the Children of all such Parents who shall not, by the said Churchwardens and Overseers, or the greater Part of them, be thought able to keep and maintain their Children, to be Apprentices, where they shall see convenient, till such Man-child shall come to the Age of four and twenty Years, and such Woman-child to the Age of one and twenty Years, or Day of Marriage: And whereas it has been found by Experience, that the said Term respecting Men-children is longer than is necessary, and that if such Man-child was bound to be an Apprentice only till he came to the Age of one and twenty Years, all the Benefits intended by the said Act would be preserved, the Hardships brought on such Parish Apprentices, by the Length of their Apprenticeship, would be avoided, and the good Harmony between Master and Apprentice would be better maintained;’ may it therefore please your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, when any Man-child shall be bound to be an Apprentice by virtue of and under the Authority of the said Act, made in the forty-third Year of Queen *Elizabeth*, such Child shall be bound to be an Apprentice for no longer Term than till such Child shall come to the Age of twenty-one Years.

## No. 9.

20 George III. c. 36.—An Act for obviating Doubts, touching the binding and receiving of poor Children Apprentices, in pursuance of several Acts of Parliament made for the Relief of the Poor within particular incorporated Hundreds or Districts; and for ascertaining the Settlement of Bastard Children born in the Houses of Industry within such Hundreds or Districts.

‘**W**HEREAS several Acts of Parliament have of late Years been made and passed, for the better Relief and Employment of the Poor in particular incorporated Hundreds or Districts, within that Part of *Great Britain* called *England*, whereby Power is given to bind poor Children Apprentices under certain Restrictions therein mentioned: And whereas Doubts have arisen, whether Persons are compellable to receive and provide for such poor Children as shall be appointed to be bound Apprentices to them in pursuance of the said Acts;’ be it therefore enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of *June* one thousand seven hundred and eighty, the respective Persons to whom any poor Children shall be appointed to be bound Apprentices, in pursuance of any Act or Acts of Parliament made and passed for the better Relief and Employment of the Poor in any particular incorporated Hundreds or Districts, within that Part of *Great Britain* called *England*, shall, and they are hereby required to receive and provide for such Children, according to the Indentures to be executed by the Directors and acting Guardians of the Poor for such respective Hundreds or Districts, for the binding of such poor Children, in like Manner as Persons are now obliged by the Laws in being to receive and provide for poor Children appointed to be bound Apprentices by Churchwardens and Overseers of the Poor, with the Assent of two Justices of the Peace, and also to execute the Counterpart of such Indentures respectively: And if any Person, to whom any poor Child shall be appointed to be bound Apprentice, in pursuance of any such Act of Parliament as aforesaid, shall refuse or neglect to receive and provide for such poor Child, or to execute the Counterpart of the Indenture for binding such Child as aforesaid, every Person so refusing or neglecting, upon Proof of such Refusal or Neglect being made, by the Oath of one of the Directors or acting Guardians, or of some other credible Witness, before any two Justices of the Peace acting in and for the County, Liberty, or Place within which the incorporated Hundred or

No. 9.

20 Geo. III.  
c. 36.

All Persons to whom any Children shall be appointed to be bound, obliged to provide for them, &c.

- No. 9. District to which such Child belongs shall be situate, shall forfeit  
 20 Geo. III. c. 36. and pay to the Directors and acting Guardians of the Poor for  
 • such incorporated Hundred or District, or to their Treasurer or  
 Appointee, to be applied to the Relief of the Poor within the  
 same, the Sum of ten Pounds; such Penalty or Forfeiture to be  
 levied by Distress and Sale of the Goods of the Person refusing  
 or neglecting as aforesaid, by Warrant under the Hands and  
 Seals of such Justices; saving always to the Person, to  
 whom any Poor Child shall be so appointed to be bound an  
 Apprentice, his or her Appeal to the next General or Quarter  
 Session of the Peace for that County, Liberty, or Place, whose  
 Appeal. Order therein shall be final.

II. Provided always, That nothing in this Act contained shall be construed to compel any Person to take any such poor Child Apprentice as aforesaid, unless such Person shall be an Inhabitant and Occupier of Lands, Tenements, or Hereditaments, in the Parish to which such Child belongs; and that all Bastard Children born or to be born in the House of Industry within any such incorporated Hundred or District, shall be deemed to belong to the Parish or Place where the Mother of such Bastard Child was legally settled.

## No. 10.

32 George III. c. 57. — An Act for the further Regulation of Parish Apprentices.

- No. 10. **W**HEREAS by an Act, passed in the forty-third Year of  
 32 Geo. III. c. 57. the Reign of Queen Elizabeth, intituled, *An Act for*  
 Preamble. *the Relief of the Poor*, it is (amongst other Things) enacted,  
 43 Eliz. c. 2. That it shall be lawful for the Churchwardens and Overseers  
 of the Poor of any Parish, or the greater Part of them, by  
 the Assent of two Justices of the Peace, to bind any Chil-  
 dren, whose Parents they shall judge to be not able to keep  
 and maintain such Children, to be Apprentices, where they  
 shall see convenient, till such Man-child shall come to the  
 Age of twenty-four Years, and such Woman-child to the  
 Age of twenty-one Years, or the Time of her Marriage, the  
 same to be as effectual to all Purposes, as if such Child were  
 of full Age, and by Indenture of Covenant bound him or  
 herself: And whereas, by an Act made in the eighth and  
 ninth Years of the Reign of King William, intituled, *An Act*  
 8 and 9 Gul 111. c. 30. and *for supplying some Defects in the Laws for the Relief of the*  
*Poor of this Kingdom*, after reciting, that there being Doubts  
 whether the Persons to whom such Children were to be  
 bound, under and by virtue of the said Statute of the forty-  
 third Year of the Reign of Queen Elizabeth, were compella-  
 ble to receive such Children as Apprentices, that Law hath  
 failed of its due Execution, it was therefore enacted, That  
 where any poor Children should be appointed to be bound

Apprentices, pursuant to the said Act of Queen *Elizabeth*,  
 the Persons to whom they are so appointed to be bound  
 Apprentices, shall receive and provide for them accord-  
 ing to the Indenture signed and confirmed by the two  
 Justices of the Peace, and also execute the other Part  
 of the said Indentures, under the Penalty, in case of  
 Refusal, of the Forfeiture of ten Pounds for every such  
 Offence, to be levied of the Goods of the Offender, in  
 the Manner mentioned in the said Act: And whereas, by  
 an Act passed in the eighteenth Year of the Reign of his  
 present Majesty, intituled, *An Act to amend such Part of*  
*an Act, made in the forty-third Year of the Reign of Queen*  
*Elizabeth, intituled, "An Act for the Relief of the Poor,"*  
*as relates to the binding of Parish Apprentices,* it was enacted,  
 That when any Man-child should be bound to be an Appren-  
 tice, by virtue of the said Act made in the forty-third Year  
 of the Reign of Queen *Elizabeth*, such Child shall be bound  
 to be an Apprentice for no longer Term than till he  
 shall come to the Age of twenty-one Years: And whereas  
 in such Indentures of Apprenticeship, it hath been usual to  
 insert several Agreements and Covenants to be done and  
 performed by the several Parties thereto; (that is to say,) an  
 Agreement on the Part of the Apprentice, that he will faith-  
 fully serve his Master during the Term of such Appren-  
 ticeship; and also several Covenants on the Part of the Master,  
 for himself, his Executors, and Administrators, that he the  
 said Master will teach or cause to be taught, such Apprentice  
 in the Business of Husbandry, or in the Craft, Mystery, or  
 Occupation which such Master then useth, as the Case may  
 be; and that such Master shall also, during the Term of such  
 Apprenticeship, find and allow unto such Apprentice suf-  
 ficient Meat, Drink, Apparel, Lodging, and all other Things  
 needful for an Apprentice, during such Term: And whereas,  
 in the Event of the Death of the Master during the Term of  
 such Apprenticeship, the Agreement for Service on the Part  
 of the Apprentice is at an End, but the Covenant for Main-  
 tenance on the Part of the Master still continues in force, as  
 far as the Master's Assets will extend, or Doubts have arisen  
 with respect thereto, and, in consequence thereof, such  
 Apprentices do frequently, on the Death of their Master,  
 leave their Master's House, and, after living in Idleness,  
 return again and become a Burden on their Master's Effects,  
 and so from Time to Time as they think proper, which is  
 attended with great Inconvenience and Hardship to the  
 Family and personal Representatives of such Master, and is  
 at the same Time an Inducement to such Apprentice to con-  
 tinue in a disorderly and idle Course of Life: And whereas  
 the several Powers given to Justices of the Peace for the  
 better ordering of Parish Apprentices by the several Acts of  
 Parliament made for that Purpose, do cease and determine on  
 the Death of the Master, for which a Remedy ought to be  
 provided: And whereas several other Regulations are neces-

No. 10.

32 Geo. III.

c. 57.

18 Geo. III.

c. 47, recited.

No. 10.  
32 Geo. III.  
c. 27.

Covenants for  
Maintenance of  
Parish Appren-  
tices, with  
whom no more  
than 5l. shall be  
given, to con-  
tinue in force no  
longer than  
three Months  
after the Death  
of the Master,  
&c.

Proviso to that  
Effect to be an-  
nexed to Cove-  
nant, but if  
omitted, the  
Covenant to  
continue no  
longer in force.

'sary to be made respecting Parish Apprentices: Be it there-  
fore enacted by the King's most excellent Majesty, by and  
with the Advice and Consent of the Lords Spiritual and Tem-  
poral, and Commons, in this present Parliament assembled,  
and by the Authority of the same, That from and after the first  
Day of July one thousand seven hundred and ninety-two,  
in case of the Death of any Master or Mistress of any  
Parish Apprentice, during the Term of such Apprenticeship,  
upon the Binding out of which Apprentice no larger Sum  
than five Pounds has been or shall be paid, such Covenant  
as is before mentioned for the Maintenance of such Apprentice  
inserted in the Indenture of Apprenticeship by which such  
Apprentice shall have been or shall be bound, shall not con-  
tinue and be in force for and during any longer Time than for  
three Calendar Months next after the Death of such Master  
or Mistress, and that during such three Calendar Months  
such Apprentice shall continue to live with and serve as an  
Apprentice, the Executors and Administrators of such Master  
or Mistress, some or one of them, or such Person or Persons  
as such Executors or Administrators, some or one of them,  
shall appoint; and the Master or Mistress whom such  
Apprentice shall accordingly serve during the said three  
Calendar Months, and also such Apprentice, shall during  
that Time be subject and liable to all the Laws which are or  
shall be in force for the better Government and Regulation of  
Masters and Parish Apprentices; and that in all such Parish  
Indentures of Apprenticeship as aforesaid, which shall be  
made from and after the first Day of July one thousand seven  
hundred and ninety-two, there shall be annexed to the Cove-  
nant in such Indentures to be entered into on the Part of  
the Master or Mistress of such Apprentice, for such Main-  
tenance as aforesaid, a Proviso declaring, that such Covenant  
shall not be made to continue and be in force for any longer  
Time than for three Calendar Months next after the Death  
of such Master or Mistress, in case such Master or Mistress  
shall die during the Term of such Apprenticeship: which  
Proviso may be in the Form or to the Effect mentioned in the  
Schedule hereunto annexed, marked with the Letter A; and  
in case such Proviso shall happen to be omitted in any such  
Indenture, the Covenant therein contained on the Part of  
the Master, for the Maintenance of the Apprentice, shall  
be deemed and taken to continue and be in force for no longer  
Time than for three Calendar Months next after the Death of  
such Master or Mistress, in case such Master or Mistress  
shall die during the Term of such Apprenticeship; any Thing  
in any such Covenant to the contrary notwithstanding.

II. 'And whereas it is just and reasonable, that such  
Apprentice as aforesaid, in case of his Master's Death  
during his Apprenticeship, should be obliged, during the  
Term of his Apprenticeship, to make some Satisfaction by  
his Labour to the Family or Representatives of his deceased  
Master, for the Advantages he has received from his Appren-

'ticeship in his Childhood, when his Services could not be equal to the Expences of his Maintenance;' be it enacted; That within such three Calendar Months after the Death of such Master or Mistress, it shall and may be lawful for any two Justices of the Peace of the County, City, Town, Riding, Division, or Place, where such Master or Mistress shall have died, on Application made to them by the Widow of such Master, or by the Husband of such Mistress, or by any Son or Daughter, Brother or Sister, or by any Executor or Executrix, Administrator or Administratrix, of such Master or Mistress, by Indorsement on any such Indenture of Apprenticeship, or the Counterpart thereof, or by any other Instrument in Writing, (which Indorsement or Instrument may be in the Forms or to the Effect mentioned in the Schedule hereunto annexed, marked with the Letters B. and C.,) to order and direct that such Apprentice shall serve as an Apprentice any one of such Persons so making such Application as aforesaid (such Person having lived with, and having been Part of the Family of, such Master or Mistress at the Time of his or her Death) as the said Justices shall in their Discretion think fit, for and during the Residue of the Term mentioned in such Indenture of Apprenticeship; and the Person obtaining such Order shall declare his Acceptance of such Apprentice, by subscribing his or her Name to such Order; and that from and after such Order shall be made, the Executors and Administrators, and the Personal Assets, Estate and Effects of the Master or Mistress so dying as aforesaid, shall be released and discharged of and from any Promise or Covenant whatsoever, contained in any such Indenture of Apprenticeship, on the Part of such Master or Mistress, his or her Executors or Administrators, to be done and performed; and the Person obtaining the same shall be, and be deemed and taken to be, the Master or Mistress of such Apprentice, in like Manner as if such Apprentice had been originally bound to such Master or Mistress; and that such last-mentioned Master or Mistress, his or her Executors and Administrators, each and every of them, shall be held and bound by the several Promises and Covenants contained in any such Indenture of Apprenticeship on the Part of the Master or Mistress therein named, his or her Executors or Administrators, to be done and performed, in like Manner as if such Master or Mistress obtaining such Order as aforesaid had duly executed the Counterpart of such Indenture; and that such Master or Mistress and Apprentice shall be subject and liable to the several Penalties, Provisions, and Regulations which shall then be in force for the better Government and good Order of Masters and Parish Apprentices; and that all Justices of the Peace shall have the like Powers and Authority, with respect thereto, as they shall then have by any Act or Acts of Parliament relating to Parish Apprentices.

No. 10.  
32 Geo. III.  
c. 57.

Within three months after the Death of a Master, two Justices may order Apprentices to serve the Residue of their Terms with Persons of the Description herein specified, on Application &c.

III. And be it further enacted, That all and singular the Regulations and Provisions herein before made, and directed to take place on the Death of the original Master or Mistress, original Master,

No. 10. shall be deemed and taken to relate to the like Event of the  
 32 Geo. III. Death of any such subsequent Master or Mistress, and to their  
 c. 57. several Relations and Representatives before enumerated, from  
 to extend to sub- Time to Time, as often as the Case shall happen, during the  
 sequent ones. Continuance of the Term mentioned in any such Indenture of  
 Apprenticeship.

If no Appli-  
 cation be made,  
 or the Justices  
 should not think  
 fit that the App-  
 renticeship  
 should be con-  
 tinued, it shall  
 be at an End.

IV. And be it further enacted, That in case no such Application shall be made as aforesaid within three Calendar Months next after the Death of such Master or Mistress, or in case such two Justices, to whom any such Application as aforesaid shall have been made, shall not think fit that such Apprenticeship should be continued, then the said Apprenticeship shall be determined, and the Indenture of Apprenticeship and Covenants therein contained shall be at an End, in like Manner as they would have been at the Expiration of the Term therein mentioned.

Act to extend  
 to such Parish  
 Apprentices  
 only as shall be  
 living with the  
 Master.

V. Provided always, and be it enacted, That nothing herein-before contained shall extend, or be construed to extend, to any Parish Apprentice, but to such only as shall be living with, and shall make Part of the Family, or shall be in the actual Employment, of such original Master or Mistress, or of any subsequent Master or Mistress appointed under and by virtue of the several Provisions of this Act at the Time of the Death of any such Masters or Mistresses respectively.

Justices may  
 order the neces-  
 sary Sums for  
 Maintenance &  
 Cloathing of  
 Apprentices to  
 be levied by  
 Distress.

VI. And whereas much Difficulty and Delay must necessarily happen in bringing an Action upon the Covenant for Maintenance before mentioned contained in any such Indenture of Parish Apprenticeship; be it enacted, That in case any such original Master or Mistress as aforesaid, or any Master or Mistress appointed under or by virtue of this Act, shall, during the Term of any such Parish Apprenticeship as aforesaid, or if the Executors or Administrators of such Masters or Mistresses, any or either of them, having Assets, shall, during such three Calendar Months as aforesaid, refuse or neglect to maintain and provide for any such Apprentice, according to the Terms of such Covenant, it shall and may be lawful for any two Justices of the Peace of the County, City, Town, Riding, Division, or Place in which the Parish or Place shall lie, to which such Apprentice shall belong, on Complaint of such Apprentice, or of the Churchwardens and Overseers of the Poor of such Parish or Place, by Warrant under their Hands and Seals, to levy by Distress and Sale of the personal Estate and Effects or Assets of such Master or Mistress respectively, such Sum or Sums of Money as shall be necessary for the Maintenance and Cloathing of such Apprentice, and as shall also be necessary to reimburse to the Churchwardens and Overseers of the Poor of such Parish or Place, any Sum or Sums of Money that shall have been reasonably expended by them for that Purpose.

VII. And whereas it frequently happens that Persons are compellable, under and by virtue of the said Act of the ninth and tenth Years of King William, to take a greater

' Number of Parish Apprentices than it is convenient for them  
 ' to maintain or employ in their own Families, and they are  
 ' therefore forced to place out or assign over such Apprentices  
 ' to other Persons; and it is proper that such Assignment  
 ' should be legally made, under the Inspection and Controul  
 ' of the Magistrates, as well for the Benefit of the Apprentice,  
 ' as that the original Master may be discharged from his Co-  
 ' venants in respect of such Apprentice; and it is fit that the  
 ' Person to whom such Assignment shall be made, and also the  
 ' Apprentice should be made subject to the ordinary Jurisdic-  
 ' tion of Justices of the Peace with respect to Masters and  
 ' Parish Apprentices;' be it enacted, That it shall and may be  
 lawful for any Master or Mistress of any such Parish Appren-  
 tice as aforesaid, by Indorsement on the Indenture of Appren-  
 ticeship, or by other Instrument in Writing, by and with the  
 Consent of two Justices of the Peace of the County, City,  
 Town, Riding, Division, or Place where such Master or  
 Mistress shall dwell, testified by such Justices under their  
 Hands, to assign such Apprentice to any Person who is will-  
 ing to take such Apprentice for the Residue of the Term men-  
 tioned in such Indenture of Apprenticeship: Provided always,  
 That such Person to whom such Apprentice is intended to be  
 assigned, shall at the same Time, by Indorsement on the  
 Counterpart of such Indenture, or by Writing under his or her  
 Hand, stating the said Indenture of Apprenticeship, and the  
 Indorsement and Consent aforesaid, declare his or her Accep-  
 tance of such Apprentice, and acknowledge himself, herself,  
 his, or her Executors and Administrators, to be bound by the  
 Agreements and Covenants mentioned in the said Indenture,  
 on the Part of the Master or Mistress of such Apprentice to be  
 done and performed; which Indorsement or Instrument may be  
 in the Forms or to the Effect mentioned in the Schedule here-  
 unto annexed, marked with the Letters D. and E.; and in  
 such Case such Apprentice shall be deemed and taken to be  
 the Apprentice of such subsequent Master or Mistress to whom  
 such Assignment shall be made, to all Intents and Purposes  
 whatsoever, and so from Time to Time, as often as it shall be  
 necessary or convenient for any such subsequent Master or  
 Mistress to part with any such Apprentice; and all Justices of  
 the Peace shall have the like Power and Authority, in the se-  
 veral Cases last mentioned, with respect as well to the subse-  
 quent Master or Mistress, Masters or Mistresses, as to the  
 Apprentice, as such Justices shall then have by any Law  
 for the better Regulation of Parish Apprentices.

No. 10.  
 32 Geo. III.  
 c. 57.

Masters may  
 assign over Ap-  
 prentices with  
 the Consent of  
 two Justices,  
 &c.

VIII. ' And whereas no express Provision has been  
 ' made for the discharging of any such Parish Apprentice from  
 ' a Master or Mistress who is become insolvent, or is so far re-  
 ' duced in his or her Circumstances as to be unable to employ  
 ' or maintain such Apprentice;' be it enacted, That it shall and  
 may be lawful for two Justices of the Peace of the County,  
 City, Town, Riding, Division, or Place where any such  
 Master or Mistress shall live, on the Application of such

Justices may  
 discharge Ap-  
 prentices whose  
 Masters cannot



No. 10. Master or Mistress requesting that any such Apprentice may  
 32 Geo. III. be discharged, for the Reasons aforesaid, to enquire into the  
 c. 57 Matter of such Allegations, and to discharge any such Appren-  
 tice from his Apprenticeship, in case the said two Justices  
 employ or main- shall find such Allegations to be true.  
 tain them.

Not to extend  
 to Apprentices  
 with whom  
 more than five  
 Pounds shall be  
 given.

IX. Provided always and be it enacted, That nothing  
 herein-before contained shall extend, or be construed to  
 extend, to the Indenture made on the binding of any Ap-  
 prentice, by the Churchwardens or Overseers of the Poor  
 of any Parish or Place, or the major Part of them, under and  
 by virtue of the Powers given to them by the Statute made in  
 the forty-third Year of the Reign of Queen *Elizabeth*, in the  
 Case of any such Binding, where a larger Sum than five  
 Pounds shall be given, but that such Binding shall be subject  
 and liable to the like Rules and Regulations as they would have  
 been subject and liable to in case this Act had not been  
 made.

No Indorse-  
 ment on Parish  
 Indentures to be  
 liable to Stamp  
 Duty, and no  
 other Instru-  
 ments to be  
 charged higher  
 than the Duty  
 on Parish In-  
 dentures.

X. Provided also, and be it enacted, That no Indorse-  
 ment or Indorsements on any Parish Indenture of Apprentice-  
 ship herein-before mentioned, made or executed in pursuance  
 of this Act, shall be charged or chargeable with any Duty im-  
 posed upon stamped Vellum, Parchment, and Paper, but the same  
 shall be and are hereby declared to be exempted therefrom,  
 and that no other Instrument or Instruments in Writing herein-  
 before mentioned, shall be charged or chargeable with any  
 higher Duty than with the Duty imposed or to be imposed  
 on Parish Indentures of Apprenticeship.

Geo. II.  
 c. 19 recited.

XI. And whereas by an Act passed in the twentieth  
 Year of the Reign of King *George* the Second, intituled,  
*An Act for the better adjusting and more easy recovery of the*  
*Wages of certain Servants, and for the better Regulation of*  
*such Servants, and of certain Apprentices,* it is enacted,  
 That it shall and may be lawful to and for any two or more Jus-  
 tices, upon any Complaint or Application by any Apprentice  
 put out by the Parish, touching or concerning any Misusage,  
 Refusal of necessary Provisions, Cruelty or other ill Treat-  
 ment, of or towards such Apprentice, by his or her Master  
 or Mistress, and due Proof thereof, to discharge such Ap-  
 prentice from his or her Apprenticeship; And whereas In-  
 stances of such ill Treatment frequently occur, and it is fit  
 that the Expectation of such Discharge should not operate as  
 an Inducement to such ill Treatment: Be it enacted, That

Justices dis-  
 charging any  
 Apprentice un-  
 der the last re-  
 cited Act may  
 order his  
 Clothes to be  
 delivered up,  
 and a Sum not  
 exceeding 10l.  
 to be paid the  
 Parish Officers  
 for placing him  
 out again, &c.

in every Case where any Parish Apprentice whatsoever shall  
 be discharged from his Apprenticeship by two Justices, under  
 and by virtue of the said last-mentioned Act, it shall and may  
 be lawful for such two Justices to order such Master or Mistress  
 to deliver up to such Apprentice his or her Clothes and Wearing  
 Apparel, and also to pay to such Churchwardens or Overseers  
 of the Poor of the Parish or Place to which such Apprentice  
 shall belong, some or one of them, a Sum not exceeding ten  
 Pounds, to be applied by them, some or one of them, under  
 the Order of such Justices, for the again placing and binding

out such Apprentice so discharged as aforesaid, or otherwise, for his or her Benefit, as to such Justices shall seem meet; and also to pay a Sum not exceeding five Pounds, in case such Master or Mistress shall refuse to deliver up such Clothes and Wearing Apparel; and in case such Master or Mistress shall refuse to pay the Sum so ordered by the said Justices to be paid as aforesaid, or either of them, or any Part thereof, it shall and may be lawful for such two Justices, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods and Chattels of such Master or Mistress, together with the reasonable Expences of such Distress, and also, that it shall and may be lawful for such two Justices, if they shall so think fit, to compel such Churchwardens and Overseers of the Poor, some or one of them, to enter into a Recognizance for the effectual Prosecution by Indictment of such Master or Mistress for such ill Treatment of any such Apprentice so discharged as aforesaid, and also to order that the Costs and Expences of such Prosecution shall be paid and discharged or reimbursed to such Person or Persons entering into such Recognizance as aforesaid, one Moiety thereof out of the Poor Rates of the Parish or Place to which such Apprentice shall belong, and the other Moiety thereof out of the Common Stock of the County in which such Parish or Place shall lie; and in case the Churchwardens and Overseers of the Poor of such Parish or Place for the Time being shall refuse to pay such their Moiety as aforesaid, it shall and may be lawful for such two Justices, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods and Chattels of such Churchwardens and Overseers of the Poor, any or either of them, together with the reasonable Expences of such Distress.

XII. And whereas it is not expedient that such Master or Mistress should be again entrusted with the Care of another Parish Apprentice; be It enacted, That in every Case where any Parish Apprentice shall have been so discharged from any Master or Mistress as aforesaid under and by virtue of the said last-mentioned Act, and such Master and Mistress shall have been convicted of such Offence, in consequence of such Prosecution by Indictment as aforesaid, or shall have been found guilty thereof in any Action brought at the Suit of the Party injured, it shall not be lawful for the Churchwardens and Overseers of the Poor of any Parish or Place, or the major Part of them, to bind any other Apprentice upon such Person, but that whenever such Person ought or would be compellable to take a Parish Apprentice, it shall and may be lawful for any two Justices of the Peace of the County, City, Town, Riding, Division, or Place where such Person shall reside, upon Application made to them by the Churchwardens and Overseers of the Poor of such Parish or Place, to order and direct that such Person shall pay into the Hands of such Churchwardens and Overseers of the Poor, some or one of them, a Sum not exceeding the Sum of ten Pounds, nor less than five Pounds, for the Purpose of binding out the Child (intended to be bound)

No. 10.  
32 Geo. III.  
c. 57.

and may compel the Parish Officers to enter into Recognizance to prosecute Masters for ill Treatment of Apprentices, &c.

Justices may order any Master convicted under the last recited Act, when liable to take a Parish Apprentice, to pay to the Parish Officers a Sum not exceeding ten, nor less than five, for the Purpose of binding out the Child, &c.

No. 10.  
34 Geo. III.  
c. 57.

Masters may  
appeal to the  
Quarter Sessions,  
&c.

On Notice of  
such Appeal, no  
Distress to be  
made till after  
the Quarter Session.

40s Penalty so  
failing to sup-  
port Appeal.

Apprentices  
discharged &  
ill Behaviour  
may be sent to  
the House of  
Correction.

an Apprentice, with the Approbation of such two Justices; and in case such Person shall refuse to pay such Sum as aforesaid, then that it shall and may be lawful for such two Justices, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods and Chattels of such Person, together with the reasonable Expences of such Distress: Provided always, That it shall and may be lawful for such Master or Mistress as aforesaid, from whom any Parish Apprentice shall be discharged under and by virtue of the Act, made in the twentieth Year of the Reign of King George the Second, to appeal against the Order made for such Discharge as aforesaid, and also against any such Order made for his or her Payment of any such Sum or Sums of Money in consequence thereof as aforesaid, or for his or her Payment of any Sum or Sums of Money in lieu of a subsequent Binding, under and by virtue of the Provisions of this Act, to the next General Quarter-Sessions of the Peace of the County, City, Riding, Division, or Place where such Orders, any or either of them, shall be made, and upon such Appeal the said Court of General Quarter Sessions shall finally determine the same, and in their Discretion allow to all Parties their reasonable Costs; and no such Distress for enforcing the Payment of any such Sum or Sums of Money as are last-mentioned, shall be taken until after the General Quarter Session of the Peace to be holden next after any such Order as aforesaid shall be made, in case the Person who is ordered to pay the same shall, within seven Days after Notice given to him or her of such Order being made, give Notice to such Church-wardens and Overseers of the Poor, some or one of them, of such intended Appeal; and in case such Person shall fail to appear in support of his Appeal at such General Quarter Session, then the Sum of forty Shillings shall be added to the Expences of the Distress before directed to be taken, and levied accordingly.

XIII. ' And whereas by the said last-mentioned Act it is ' also enacted, That it shall and may be lawful to and for two ' Justices, upon Application or Complaint made upon Oath by ' any Master or Mistress, against any Parish Apprentice, ' touching or concerning any Misdemeanor, Miscarriage, or ill ' Behaviour of such Apprentice to hear and determine the same, ' and punish the Offender in such Manner as is therein-men- ' tioned, or otherwise to discharge such Apprentice from his ' Apprenticeship, and it is expedient to prevent the Expecta- ' tion of such Discharge being an Inducement to such ill Beha- ' viour on the Part of the Apprentice; be it enacted, That in all Cases where any Parish Apprentice shall be discharged by two Justices, under and by virtue of the said last-mentioned Act, from his or her Apprenticeship, on account of any Misdemeanor, Miscarriage, or ill Behaviour on the Part of such Apprentice, that it shall and may be lawful for such two Justices, if they think proper, by Warrant under their Hands and Seals, to punish such Offender by Commitment to the House of Correction, there to remain and be corrected, and

kept to hard Labour for a reasonable Time, not exceeding three Calendar Months, as to such Justices shall seem meet. No. 10. 32 Geo. III. c. 57.

XIV. And be it further enacted, That if any Person shall be aggrieved by any Matter or Thing done, or omitted to be done, by any Churchwarden or Overseer of the Poor, or by any of his Majesty's Justices of the Peace, or by any other Person or Persons whomsoever, under and by virtue of this Act, besides such Matters or Things for which an Appeal is herein-before specially given, it shall and may be lawful for such Person or Persons to appeal to the next General Quarter-Sessions of the Peace, where the same shall be heard and finally determined; and such Court may award reasonable Costs and Expences to either Party before them. Parties aggrieved may appeal to the Quarter-Sessions.

### Schedule referred to in this Act.

#### A.

*FORM of Proviso to be added to the Covenant for Maintenance.*

**PROVIDED** always, that the said last-mentioned Covenant on the Part of the said *F. M.* [*the Master*] his Executors and Administrators, to be done and performed, shall continue and be in force for no longer Time than for three Calendar Months next after the Death of the said *F. M.* in case he the said *F. M.* shall happen to die during the Continuance of such Apprenticeship, according to the Provisions of an Act passed in the thirty-second Year of the Reign of King George the Third, intituled [*Here set forth the Title of the Act.*]

#### B.

*FORM of the Order of two Justices, directing a Parish Apprentice to continue with the Widow [or as the Case may be] of his deceased Master, by Indorsement on the Indenture, or Counterpart thereof; on which Binding no more was paid than the Sum for that Purpose mentioned in this Act.*

County of } **W**HEREAS *F. M.* [*the Master*] within named, late of the Parish of \_\_\_\_\_, in the said County, died on the \_\_\_\_\_ Day of \_\_\_\_\_ being within three Calendar Months now last past; we, two of his Majesty's Justices of the Peace for the County aforesaid, whose Names are hereunto subscribed, on the Application and at the Request of *A. M.* Widow [*or as the Case may be*] of the said *F. M.* living with and being Part of the Family of the said *F. M.* at the Time of his Death, do hereby order and direct, that *A. P.* the Apprentice within named, who was in the Service and actual Employment of the said *F. M.* at the Time of his Death, shall serve the said *A. M.* as such Apprentice, for the Residue of the Term of such Apprenticeship within mentioned, according to the Provisions of an Act passed

No. 10. in the thirty-second Year of the Year of King George the  
 32 Geo III. Third, intituled, *An Act for the further Regulation of Parish*  
 c. 57. *Apprentices.* Witness our Hands this      Day of

I, the above-named *A. M.* do hereby declare, That the above Order is made at my Request, and that I do accept the said *A. P.* as my Apprentice, according to the Terms and Covenants contained in the said Indenture, and according to the Provisions of the said Act. Witness my Hand, the Day and Year above written.

C.

*FORM of the like Order by a separate Instrument.*

County of } **W**HEREAS it appears unto us, two of his Majesty's Justices of the Peace for the said County, That *A. P.* [*the Apprentice*] was bound an Apprentice by the Churchwardens and Overseers of the Poor of , to *F. M.* [*the Master*] late of the said Parish, , and that the said *F. M.* died on Day of , being within three Calendar Months now last past: Now we, the said two Justices, on the Application and at the Request, &c. [*then, to the End, as before, mutatis mutandis.*]

D.

*FORM of the Assignment of such a Parish Apprentice, with the Consent of two Justices, by Indorsement on the Indenture or Counterpart.*

County of } **B**E it remembered, that the within-named *F. M.* [*the Master*] by and with the Consent and Approbation of *I. P.* and *K. P.* two of his Majesty's Justices of the Peace for the said County, whose Names are subscribed to the Consent hereunder written, doth hereby assign *A. P.* the Apprentice within named, unto *N. M.* [*the new Master*] to serve him during the Residue of the Term within mentioned; and that he the said *N. M.* doth hereby agree to accept and take the said *A. P.* as an Apprentice for the Residue of the said Term, and doth hereby acknowledge himself, his Executors and Administrators, to be bound by the Agreements and Covenants within mentioned on the Part of the said *F. M.* to be done and performed, according to the true Intent and Meaning thereof, and pursuant to the Provisions of an Act passed in the thirty-second Year of the Reign of King George the Third, intituled, *An Act for the further Regulation of Parish Apprentices.* In witness whereof we, the said *F. M.* and *N. M.* have hereunto set our Hands this      Day of

We, two of his Majesty's Justices of the Peace above-mentioned, do consent thereto. Witness our Hands, this      Day of

*J. P.*  
*K. P.*

E.

No. 10.

*FORM of the like Assignment, by a separate Instrument.*32 Geo. III.  
c. 57.

County of } **W**HEREAS it appears unto us, *I. P.* and  
*K. P.* two of his Majesty's Justices of the  
 Peace for the said County, whose Names are subscribed to the  
 Consent hereunder written, that *A. P.* was bound an Appren-  
 tice by the Churchwardens and Overseers of the Poor of the Pa-  
 rish of , to *F. M.* of the same Parish,  
 by Indenture bearing Date on or about the  
 Day of - until the said *A. P.* should attain his Age of  
 twenty-one Years: Now be it remembered, that the said  
*F. M.* by and with the Consent, &c. [and so, to the End, as  
*before, mutatis mutandis.*]

No. 11.

33 George III. c. 55.—An Act to authorize Justices of  
 the Peace to impose Fines upon Constables, Over-  
 seers, and other Peace or Parish Officers, for  
 Neglect of Duty, and on Masters of Apprentices  
 for ill Usage of such their Apprentices; and also to  
 make Provision for the Execution of Warrants of  
 Distress granted by Magistrates.—[21st. June 1793.]

**W**HEREAS it is expedient to give further Powers to  
 Justices of the Peace to impose Fines upon Over-  
 seers of the Poor, Constables, and other Peace and Parish  
 Officers, within their respective Jurisdictions, for Neglect of  
 Duty in such their respective Offices, or for Disobedience of  
 the Warrants or Orders of such Justices; and it is also expe-  
 dient to empower Justices to impose Fines upon Masters of  
 Apprentices for ill Usage of such their Apprentices, and also  
 to make Provision for the Execution of Warrants of Distress  
 granted by Magistrates; May it therefore please your Ma-  
 jesty that it may be enacted, and be it enacted by the King's  
 most Excellent Majesty, by and with the Advice and Consent  
 of the Lords Spiritual and Temporal, and Commons, in this  
 present Parliament assembled, and by the Authority of the  
 same, That it shall and may be lawful for any two or more of his  
 Majesty's Justices of the Peace, assembled at any Special or Petty  
 Sessions of the Peace, upon Complaint being made upon Oath  
 before them, of any Neglect of Duty, or of any Disobedience of  
 any lawful Warrant or Order of any Justice or Justices of the  
 Peace by any Constable, Overseer of the Poor, or other Peace  
 or Parish Officer, or upon Complaint made to such two or more  
 Justices upon Oath, by or on the Behalf of any Apprentice to  
 any Trade or Business whatsoever, whether bound Apprentice  
 by any Parish or Township or otherwise, provided that not  
 more than the Sum of ten Pounds be paid upon the Binding of  
 such Apprentice, against his or her Master or Mistress, of any

No. 11.  
33 Geo. III.  
c. 55.

Justices may  
 impose Fines  
 upon Constables, &c. for  
 Neglect of Du-  
 ty, and on Mas-  
 ters for ill Usage  
 of Apprentices.

No. 11.  
33 Geo III.  
c. 55.

Application  
of Fines.

Persons ag-  
grieved may ap-  
peal to the  
Quarter Ses-  
sions.

For Want of  
Distress, Offen-  
ders may be  
committed.

No Persons  
to be deemed  
Trespassers on  
Account of Ir-  
regularity in  
Proceedings  
&c.

Where Dis-  
tress cannot be  
found in the Ju-  
risdiction of  
Justices grant-  
ing Warrants, it  
may be levied  
in another  
Place.

ill Usage of such Apprentice by such Master or Mistress, (such Constable, Overseer, or other Officer, Master, or Mistress, having been duly summoned to appear and answer such Charge, or Complain,) to impose upon Conviction any reasonable Fine or Fines, not exceeding the Sum of forty Shillings, upon such Constable, Overseer, or other Officer, Master or Mistress respectively, as a Punishment for such Disobedience, Neglect of Duty, or ill Usage, and by Warrant under the Hands and Seals of any two or more of such Justices assembled, at any such Special or Petty Sessions as aforesaid, to direct such Fine or Fines, if not paid, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus (if any) after deducting the Amount of such Fine or Fines, and the Charges of such Distress and Sale, to such Offender or Offenders; and such Fine or Fines which may be imposed upon any such Constable, Overseer, or other Officer as aforesaid, shall be applied and disposed of for the Relief of the Poor of the Parish, Township, or Place, where the Offenders shall respectively reside, at the Discretion of the Justices imposing the same, and such Fine or Fines, which may be imposed upon any such Master or Mistress, shall, at the Discretion of the Justices imposing the same, be either so applied and disposed of as aforesaid, or be otherwise paid and applied to or for the Use and Benefit of such Apprentice, for or towards a Recompence or Compensation for the Injury which may have been by him or her sustained by reason of such ill Usage as aforesaid; and if any Person shall be aggrieved by the Imposition of such Fine or Fines as aforesaid, or by any Order or Warrant of Distress for raising and levying the same, or by the Judgment or Determination of the said Justices, or by any Act to be done in the Execution of such Warrant of Distress, such Person or Persons so aggrieved shall and may appeal to the next General or Quarter Sessions of the Peace to be held for the County, Riding, or Division, within which such Person shall reside, of which Appeal ten Days Notice at the least shall be given; and for Want of such Distress, such Person or Persons shall be committed to the House of Correction for any Space of Time not exceeding ten Days.

II. Provided always, and be it further enacted, That no Person acting under any such Warrant of Distress as aforesaid, shall be deemed a Trespasser *ab initio*, by Reason of any Irregularity or Informality in such Warrant, or in any Proceedings thereon, but any Person aggrieved by the issuing or Execution of such Warrant, may recover the special Damages thereby by him or her sustained, in an Action of Trespass, or on the Case, in any of his Majesty's Courts of Record.

III. And whereas Warrants of Distress granted by Justices of the Peace, are in many Instances ineffectual, by Reason of the Goods and Chattels of the Persons against whom such Warrants are granted being out of the Jurisdiction of the Justice granting the same: Be it therefore further enacted, That in all Cases where any Penalty, Forfeiture, Fine, or other Money,

may by the Warrant of any Justice or Justices of the Peace, be directed to be levied by Distress and Sale of the Goods and Chattels of any Person or Persons, if sufficient Distress cannot be found within the Limits of the Jurisdiction of the Justice granting such Warrant of Distress, on Oath thereof, made by one Witness, before any Justice of the Peace, of any other County, Riding, Division, City, Borough, Town Corporate, or Place, (which Oath shall be by him certified by Indorsement on such Warrant,) such Penalty, Forfeiture, Fine, or other Money, or so much thereof as may not have been before levied or paid, shall and may by Virtue of such Warrant and Indorsement, be raised and levied by the Person or Persons to whom such Warrant of Distress shall have been originally directed, by Distress and Sale of the Goods and Chattels of such Person or Persons, in such other County, Riding, Division, City, Borough, Town Corporate, or Place, and the Money arising by such Distress and Sale shall be applied and disposed of for such Purposes and in like Manner, as if sufficient Goods and Chattels of such Person or Persons had been found within the Jurisdiction of the Magistrate originally granting such Warrant, and if no such Distress can be found, such Offender or Offenders shall and may be forthwith proceeded against according to Law: Provided always, that no Justice who shall indorse any Certificate upon, or authorize the Execution of any such Warrant of Distress which may not have been granted within his Jurisdiction, shall be answerable or accountable for any Irregularity which may have been committed or done in or about the obtaining or granting of such Warrant of Distress.

No. 11.  
33 Geo. III.  
c. 55.

Justices authorizing the Execution of Warrants not granted within their Jurisdictions, not to be answerable for any Irregularity in obtaining them.

## No. 12.

42 George III. c. 46.—An Act to require Overseers and Guardians of the Poor to keep a Register of the several Children who shall be bound or assigned by them as Apprentices; and to extend the Provisions of an Act passed in the twentieth Year of the Reign of his [20 G. 3. c. 36.] present Majesty, to the binding of Apprentices by Houses of Industry, or Establishments for the Poor, which have been authorized so to do, by subsequent Acts.—7th May 1802.

WHEREAS by an Act passed in the forty-third Year of the reign of Queen Elizabeth, intituled *An Act for the Relief of the Poor*, the Overseers of the Poor of every Parish are enabled to bind out any poor Children as Apprentices, until every such poor Male Child shall attain the Age of twenty-four Years, and until every such Female Child shall attain the Age of twenty-one years, or the Time of her Marriage: and whereas it would tend to the Benefit of the Children so bound as Apprentices, if the Overseers of the Poor were required to keep a Register of

No. 12.  
42 Geo. III.  
c. 46.  
43 Eliz. c. 2.



No 12. 'all Children who shall be so bound;' may it therefore  
 42 Geo. III. please your Majesty that it may be enacted; and be it enacted  
 c. 46. by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Overseers of the Poor of every Parish, Township, or Place, appointed by Virtue of the said recited Act, passed in the forty-third Year of the Reign of Queen Elizabeth, shall, from and after the first Day of June, and they are hereby required to provide and keep a Book or Books, at the Expence of the said Parish, Township, or Place, and to enter or cause to be entered therein, the Name of every Child who shall be bound out by them respectively as an Apprentice, together with the several other Particulars in Manner and Form required by this Act, according to the Schedule hereunto annexed; and every such Entry, when made in the said Register, shall be produced and laid before the two Justices of the Peace who shall signify their Assent to the Indenture of Apprenticeship of every such Child, at the Time when such Indenture shall be laid before such Justices for their Assent, as required by the said recited Act; and each Entry in the said Register shall, if approved of by such Justices, be signed by them according to the Form marked in the Schedule hereunto annexed.

Overseers of the Poor shall keep a Book for entering the Name of every Apprentice bound out by them, and each Entry shall be signed by two Justices, according to the Form in the Schedule.

Penalty for not providing such Book, or neglecting to make such Entries therein, &c. not exceeding s<sup>t</sup>. leviable by Distress, &c.

II. And be it further enacted, That if any Overseer or Overseers of the Poor shall refuse or neglect to provide and keep such Book or Books, or to make such Entry therein as before directed, or shall destroy, or permit, suffer, or cause to be destroyed, any such Book or Books, or shall wilfully and knowingly obliterate, deface, or alter any such Entry, so that the same shall not be a true Entry of the several Particulars hereby required, or shall wilfully and knowingly make a false Entry therein, or shall so permit, suffer, or cause the same to be done, or shall not produce or lay such Book or Books before such Justices as aforesaid for their Signatures, or shall not deliver or tender, or cause to be delivered or tendered, such Book or Books to his, her, or their Successor or Successors in Office, within Fourteen Days after the Appointment of such Successor or Successors, or if any such Successor or Successors shall refuse or neglect to receive the same when offered or tendered to him or them by his or their Predecessor or Predecessors in Office, then and in every such Case, every such Person so offending shall, for every such Offence, on being convicted thereof before any two Justices of the Peace for the County, City, or Place where the Offence shall be committed, on the Oath of any credible Witness (which Oath such Justices are hereby empowered and required to administer), or on the voluntary Confession of the Party or Parties, forfeit and pay a Sum not exceeding five Pounds, to be recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of the Justices before whom the Offender or Offenders shall be convicted, and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels,

after deducting the Costs and Charges of making, keeping, and selling such Distress; and such Penalties and Forfeitures shall be applied for the Use of the Poor of the Parish, Township, or Place, for which such Offender or Offenders shall be Overseer or Overseers; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justices, by Warrant under their Hands and Seals, and they are hereby required to commit every such Offender to the common Gaol or House of Correction of the County, City, or Place where the Offence shall be committed, there to remain without Bail or Mainprize, for any Time not exceeding one Calendar Month, unless such Penalties and Forfeitures shall be sooner paid and satisfied.

III. And be it further enacted, That it shall and may be lawful for any Person or Persons, at all seasonable Hours, to inspect such Book or Books in the Hands of the said Overseer or Overseers, and to take a Copy of such Entry in such Book or Books, upon Payment of the Sum of Sixpence, except in case of any of his Majesty's Justices of the Peace acting in and for the said County, who shall be entitled at all such Times to inspect such Book *gratis*, and every such Book shall be and be deemed to be sufficient Evidence in all Courts of Law whatsoever, in Proof of the Existence of such Indentures, and also of the several Particulars specified in the said Register respecting such Indentures, in case it shall be proved to the Satisfaction of such Court that the said Indentures are lost or have been destroyed.

IV. And be it further enacted, That the Justices of the Peace before whom any Person shall be convicted by Virtue of this Act, shall and may cause the Conviction to be drawn up in the following Form; (*videlicet*),

**B**E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ Form of Conviction.  
in the Year of our Lord,  
A. B. is convicted before us, two of his Majesty's  
Justices of the Peace for the \_\_\_\_\_ [*specifying the*  
*Offence, and the Time and Place when and where committed, as the*  
*Case may be*] contrary to an Act made in the forty-second Year  
of the Reign of King George the Third, intituled, [*here set forth*  
*the Title of this Act.*] Given under our Hands and Seals the  
Day and Year above mentioned,

V. And be it further enacted, That whenever any such Apprentice shall be assigned or bound over to any other Master or Mistress by Virtue of an Act passed in the thirty-second Year of the Reign of his present Majesty, intituled *An Act for the further Regulation of Parish Apprentices*, then and in every such Case, the Overseer or Overseers, Party or Parties to the Assignment of such Apprentice, shall insert the Name and Residence of the Master or Mistress to whom such Apprentice shall be assigned or bound over as aforesaid, together with the other Particulars, in the Book or Books herein directed to be provided and kept by such Overseer or Overseers; and for Non-performance thereof, every such Overseer or Overseers shall be liable to the Pains, Penalties, and Forfeitures incurred

No. 12.  
42 Geo. III.  
c. 46.

Books may  
be inspected,  
and shall be  
deemed Evi-  
dence.

When Ap-  
prentices shall  
be assigned un-  
der 32 G. 3.  
c. 57 a like En-  
try thereof shall  
be made in the  
said Book.

No. 12. by this Act, in like Manner as if such Apprentice had been originally bound to such Master or Mistress.

42 Geo. III  
c. 46.

This Act extended to Persons having like Powers as Overseers.

VI And whereas by different Acts of Parliament the like Powers are given to certain Persons therein named, for binding out Parish Apprentices, as are given to the Overseers of the Poor; be it therefore enacted, That such several Persons shall be subject to the like Pains, Penalties, and Forfeitures for Non-compliance with the several Provisions and Directions in this Act contained, for registering any Parish Apprentice bound out or assigned by them respectively, to which Overseers of the Poor are subject and liable by virtue of this Act, for Non-compliance with such Provisions and Directions.

Appeal may be made to Quarter Sessions.

VII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in Pursuance of this Act, it shall and may be lawful to and for such Person or Persons to appeal to the Justices at the first General Quarter Sessions of the Peace to be holden for the County or Place where the Cause of Appeal shall arise, within four Calendar Months next after the Cause of Appeal shall have arisen, on giving to the Person or Persons appealed against ten Days Notice of such Appeal, and of the Matter thereof; and the Justices at such Sessions are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to grant such Costs and Expences to either Party as to them shall seem reasonable.

The Powers of 20 G. 3 c. 36. shall extend to poor Children bound Apprentices under the Authority of any subsequent Act.

VIII. And whereas by an Act, passed in the twentieth Year of his present Majesty, the Powers which were given by several preceding Acts of Parliament to bind poor Children Apprentices are, by the said Act of the twentieth Year of his Majesty, extended as to the Power of compelling Persons to receive and provide for such poor Children as should be appointed to be bound Apprentices to them in pursuance of the said prior Acts; And whereas since that Time several Acts have passed by which Houses of Industry or Establishments for the Poor, have been authorized to bind Apprentices; and Doubts have arisen whether the Powers and Provisions in the said Act of the twentieth of his Majesty will extend to the Case of Apprentices so bound out under the Authority of such subsequent Acts; be it therefore enacted by the Authority aforesaid, That the several Powers and Provisions in the said recited Act of the twentieth of his Majesty contained, shall extend and are hereby extended, and shall have full Effect, to poor Children bound Apprentices under the Authority of any Acts passed since the said recited Act, in the same Manner as if such Acts had passed prior to the said recited Act of the twentieth of his Majesty.

## FORM OF THE REGISTER.

Number.	Date of Indenture.	Name of the Apprentice.	Sex.	Age.	His or her Parents' Names.	Their Residence.	Name of Persons to whom bound or assigned, as the Case may be.	His or her Trade.	His or her Residence.	Term of the Apprenticeship or Assignment.	Apprentice or Assignment Fee.	Overscers Parties to the Indenture or Assignment.	Magistrates assenting.
													(to be signed by themselves.)

No. 13.

No. 19.

42 Geo. III.  
c. 73.

42 Geo. III. c. 73.—An Act for the Preservation of the Health and Morals of Apprentices and others, employed in Cotton and other Mills, and Cotton and other Factories.

No. 14.

51 Geo. III. c. 80.—An Act to render valid certain Indentures for the binding of Parish Apprentices.—[15th June 1811.]

No. 14.

51 Geo. III.

c. 80.

43 Eliz. c. 2.

§ 1.

§ 5.

Indentures  
and Certificates  
heretofore signed  
by two Persons  
only acting  
as Churchwardens,  
&c. valid,

‘WHEREAS by an Act passed in the forty third Year of the Reign of Her late Majesty, Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, it is enacted, That the Churchwardens of every Parish, and four, three or two substantial Householdors there, as shall be thought meet, having respect to the Proportion and Greatness of the same Parish and Parishes, to be nominated yearly in *Easter Week*, or within one Month after *Easter*, in the Manner therein directed, shall be Overseers of the Poor of the same Parish, and that it shall be lawful for the said Churchwardens and Overseers, or the greater Part of them, by the Assent of two Justices of the Peace, to bind the Children of such Parents as shall not by the said Churchwardens and Overseers or the greater Part of them be thought able to maintain their Children, to be Apprentices: And whereas in divers small Parishes, two Persons only have been annually appointed to act in the Capacity of Churchwardens as well as Overseers of the Poor: And whereas divers Indentures for the binding of Parish Apprentices, and Certificates of the Settlements of poor Persons, have been executed and signed by such two Persons, purporting to be the Churchwardens and Overseers of such Parishes; but, by reason that the said Indentures and Certificates have not been signed by distinct Persons as Churchwardens and other distinct Persons as Overseers, such Indentures and Certificates have been or may be deemed to be void: Be it therefore enacted, by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Indentures for the binding of Parish Apprentices, and all Certificates of the Settlements of poor Persons, which have been heretofore executed and signed by two Persons only, acting or purporting to act in the Capacity of Churchwardens as well as of Overseers of the Poor, and also all such Indentures and Certificates as shall hereafter be so signed, shall be considered as good, valid and effectual, as if the same had been executed and signed by distinct Persons as Churchwardens and distinct Persons as Overseers of the Poor, according to the said recited Act; any thing therein or in any other Act contained to the contrary thereof notwithstanding.

II. Provided always, That Nothing in this Act contained shall extend to do away or alter any Decision which may have taken place in any Court of Law, respecting the binding of any Parish Apprentice, or the Settlement of any poor Person before the passing of this Act.

No. 14.  
51 Geo. III.  
c. 86.  
Prior Deci-  
sions.

No. 15.

54 Geo. III. c. 107.—An Act to render valid certain Indentures for the binding of Parish Apprentices, and Certificates of the Settlement of poor Persons.—[23d July, 1814.]

WHEREAS by an Act passed in the Forty-third Year of Her late Majesty Queen Elizabeth, intituled *An Act for the Relief of the Poor*, it is enacted, that it shall be lawful for the Churchwardens and Overseers of the Poor of any Parish, or the greater Part of them, by the Assent of Two Justices of the Peace, to bind the Children of such Parents as shall not (by the said Churchwardens and Overseers, or the greater Part of them) be thought able to maintain their Children, to be Apprentices; And whereas by an Act passed in the Eighth and Ninth Year of His late Majesty King William the Third, intituled *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom*, it is enacted, that Persons coming to inhabit in any Parish, Township, or Place, shall bring with them a Certificate under the Hands and Seals of the Churchwardens and Overseers of the Poor, or the major Part of them, of some other Parish, Township, or Place, thereby owning and acknowledging the Person or Persons mentioned in the said Certificate, to be an Inhabitant or Inhabitants legally settled in that Parish, Township, or Place: And whereas divers Parishes contain within themselves several Townships, Hamlets, or Chapelries, each of which separately maintains its own Poor: And whereas in such Parishes, the Churchwardens are for the most Part sworn into their Offices as Churchwardens of the whole Parish, although in Truth and in Fact they act as Churchwardens of the separate Townships, Hamlets, or Chapelries therein contained: And whereas divers Indentures for the binding of Parish Apprentices, and Certificates of the Settlements of poor Persons, have heretofore been signed and executed by a Person or Persons, styling himself or themselves, and stated in such Indentures and Certificates, to be Churchwarden or Churchwardens, Chapelwarden or Chapelwardens, of the Township, Hamlet, or Chapelry, binding such poor Apprentices or granting such Certificate: And whereas such Person or Persons have not been sworn into the Office of Churchwarden or Chapelwarden of such Township, Hamlet, or Chapelry, but of Churchwarden of the Parish wherein such Township, Hamlet, or Chapelry is contained; be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the

No. 15.  
54 Geo. III.  
c. 107.  
41 Eliz. c. 2.

8 & 9 W. 3,  
c. 30.

No. 15.  
54 Geo. III.  
c. 107.

Indentures  
and Certificates  
of Settlement  
made valid, al-  
though the  
Churchwardens,  
&c. were  
not sworn in.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Indentures for the binding of poor Apprentices, and all Certificates of the Settlement of poor Persons, which have been heretofore signed and executed, or which shall hereafter be signed and executed by a Person or Persons who at the Time of his or their signing and executing such Indenture, or Certificate of Settlement, acted as Churchwarden or Churchwardens, Chapelwarden or Chapelwardens, of the Township, Hamlet, or Chapelry, binding such poor Apprentice, or granting such Certificate of Settlement, shall be deemed and taken to be as good, valid, and effectual, as if the same had been signed and executed by a Person or Persons actually sworn into the Office of Churchwarden or Chapelwarden of such Township, Hamlet, or Chapelry: Provided always that such Person or Persons shall have been duly sworn into the Office of Churchwarden of the Parish wherein the Township, Hamlet, or Chapelry, binding such poor Apprentice, or granting such Certificate, be contained, or into the Office of Churchwarden or Chapelwarden of such Township, Hamlet, or Chapelry.

Such Indentures and Certificates to be valid if executed by the Overseers of the Poor of any Township, &c.

II. And be it further enacted, That all Indentures for the binding of poor Apprentices, and all Certificates of the Settlement of poor Persons, which shall have been heretofore signed and executed, or which may hereafter be signed and executed by the Overseers of the Poor of any Township, Hamlet, Chapelry or Place, and the Churchwarden or Churchwardens, Chapelwarden or Chapelwardens, acting for or appointed in Respect of such Township, Hamlet, Chapelry or Place, or the major Part of them, shall be deemed and taken to be as good, valid, and effectual as if the said Indentures and Certificates had been signed and executed by such Overseers and the Churchwardens of the Parish wherein such Township, Hamlet, Chapelry, or Place is situate, or the major Part of them.

Not to affect Settlements.

III. Provided always, and be it further enacted, That Nothing herein contained shall be construed to alter, impeach, or affect the Settlement of any Person, for whose Removal any Order of Justices shall have been duly made, before the passing of this Act.

## PART VI. CLASS III.

## BANKS DESTROYING.

## No. 1.

10 Geo. II. c. 32. — An Act for continuing, &c. \* \* \* \* \*  
and for the more effectual Punishment of Persons removing any  
Materials used for securing Marsh or Sea Walls. \* \* \* \* \*

D.

V. ' **A**ND whereas it frequently happens, that many idle  
' and disorderly Persons employed in Fishing  
' Boats, and others residing near the Sea Coasts, do unlawfully  
' and maliciously cut off, draw up, burn and destroy, the Piles  
' which are drove into the Marsh, or Sea Walls and Banks,  
' whereby the Chalk and other Materials used for securing the  
' said Walls and Banks fall away, and oftentimes take away  
' the said Chalk and other Materials used for that Purpose, and  
' thereby frequent Inundations happen to the Lands lying within  
' the said Walls and Banks, to the great Loss and Damage of the  
' Owners and Occupiers of the said Lands ;' For Remedy thereof,  
be it therefore further enacted by the Authority aforesaid, That  
if any Person or Persons shall at any Time or Times hereafter  
unlawfully cut off, draw up, or remove and carry away any  
Piles, Chalk, or other Materials, which are, or at any Time  
hereafter shall be, driven into the Ground, and used for the se-  
curing any Marsh, or Sea Walls or Banks, in order to prevent  
the Lands lying within the same from being overflowed and  
damaged, it shall and may be lawful to and for any one or  
more of his Majesty's Justices of the Peace residing near the  
Place where the said Offence or Offences shall be committed,  
and such Justice or Justices is and are hereby respectively au-  
thorized and required, upon Complaint or Information upon  
Oath of such Offence (which Oath or Oaths such Justice or  
Justices is and are hereby empowered to administer), to sum-  
mon the Party or Parties so complained of, or to issue his or their  
Warrant or Warrants to apprehend and bring before him or  
them the Person or Persons so accused, complained of or sus-  
pected; and upon his, her or their Appearance, or Neglect to  
appear, to proceed to examine the Matter of Fact with which  
he, she or they are charged, and upon due Proof thereof made,  
either by Confession of the Party or Parties so accused, or upon  
the Oath or Oaths of one or more credible Witness or Wit-  
nesses, to determine the same, and to convict the Offender or

No. 1.  
10 Geo. II.  
c. 32.

Piles, Chalk,  
&c. used for the  
Security of  
Marshes, not to  
be removed,



**No. 1.** Offenders; and every Person offending herein, and being thereof convicted as aforesaid, shall forfeit and pay the Sum of twenty Pounds, one Moiety thereof to the Informer, and the other Moiety to the Overseer of and for the Use of the Poor of the Parish wherein such Offence shall be committed; the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with the Charges of such Distress and Sale, rendering the Overplus (if any be) to the Owner or Owners thereof and for Want of sufficient Distress the said Justice or Justices are hereby required to commit the Person or Persons convicted as aforesaid to the House of Correction, there to remain and be kept at hard Labour for the Space of six Months. (1.)

**10 Geo. 11. c. 32.** on Forfeiture of 20l. to be levied by Distress,

**or Imprisonment for six Months.**

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(1.) For the Statutes which render certain Acts connected with this Subject Felony, Vi. Part 5.

## PART VI. CLASS IV.

## BASTARDS.

## No. 1.

18 Eliz. c. 3.—An Act for setting the Poor to work, and for the avoiding of Idleness.

**J**USTICES of Peace shall order the Punishment of the Mother and reputed Father of a Bastard, &c. A Rogue shall be conveyed from Constable to Constable until he come to the Gaol. A Stock to set the Poor on Work shall be provided in every City and Town Corporate. Houses of Correction shall be assigned in every County. Lands holden in Socage may, during twenty Years, be given towards the Maintinances of Houses of Correction and Stocks for the Poor. EXP.

No. 1.  
18 Eliz. c. 3.

II. Concerning Bastards begotten and born out of lawful Matrimony, (1.) (an Offence against God's Law and Man's

(1.) The Child of a Woman divorced a mens- et thoro is presumed to be a Bastard. St. George's and St. Margaret's. Westminster, 1 Salk. 123. In other Cases, the Legitimacy of a Child born of a married Woman, although living separately from her Husband, is presumed; but Non-access may be proved: and the old Notion, that a Child cannot be a Bastard if the Parents were within the four Seas, is completely exploded. The Wife cannot be a Witness to prove the Non-access; *R. v. Reading*, 2 Sess. ca. 17b; but where it was stated, that it appeared on the Examination of the Mother, and on other Proof, that the Husband had no Access, the Order was held good; as other Proof must be intended legal Proof: *R. v. Bedall*; And 8. But it is very objectionable, to support a Judgment obtained upon Evidence, some Part of which is legal, and other Part objectionable; unless it can be distinctly ascertained, that the same Conclusion must have been come to, if the objectionable Evidence had not been given; and it is, in most Cases, manifestly impossible to distinguish the particular Impression made by any particular Part of the Evidence adduced in Support of any given Fact, as detached and separate from the other Evidence offered from the same Purpose, and in the immediate Question, the single Impression of the inadmissible Evidence of the Wife, if believed, would necessarily be more effective than that of all other Witnesses (not going to Remoteness of Situation, excluding the Possibility of Access) together. Where the Husband, after an Absence of some Years, returned a Fortnight before the Birth of the Child, the Order was held good, and *per Curiam*—“Circumstances which shew a natural Impossibility that the Husband could be the Father of the Child of which the Wife is delivered, whether arising from his being under the Age of Puberty, or from his labouring under Disability occasioned by natural Infirmary, or from the Length of Time elapsed since his Death, are Grounds on which the Illegitimacy of the Child may be founded: that on the Ground of Improbability, however strong, they should not venture to proceed, but only such as shewed absolute physical Impossibility: that the general Presumption would prevail, except a Case of plain, natural Impossibility were shewn and to establish as an Exception the Case of such extreme Impossibility as the present could not

No. 1. Law) the said Bastards being now left to be kept at the Charges  
 18 Eliz. c. 3. of the Parish where they be born, to the great Burden of the  
 same Parish, and in defrauding of the Relief of the impotent  
 and aged true Poor of the same Parish, and to the evil Ex-  
 ample and Encouragement of lewd Life: (2) It is ordained  
 and enacted by the Authority aforesaid, That two Justices of  
 the Peace (whereof one to be of the *Quorum*, in or next unto  
 the Limits where the Parish Church is, (2.) within which Parish  
 such Bastard shall be born; (3.) upon Examination of the Cause  
 and Circumstance) (4.) shall and may by their Discretion (5.)  
 take Order (6.) as well for the Punishment of the Mother and  
 reputed Father of such Bastard Child, as also for the better Re-  
 lief of every such Parish in Part or in all; (3) and shall and  
 may likewise by like Discretion take Order for the Keeping of  
 every such Bastard Child, by charging such Mother (7.) or  
 reputed Father, with the Payment of Money Weekly, or  
 other sustentation for the Relief of such Child, in such Wise

A Provision  
 for the keeping  
 of Bastards.

do harm" *R. v. Luffe*, 8 East. 193 — "The Exception in the above Case was certainly one, upon the Justness of which no Doubt could be entertained: but it is to be recollected, that the Introduction of Exceptions in extreme and favourable Cases, is often calculated to affect the Certainty and Stability of a Rule; and it certainly would be very inconvenient to admit of particular Inquiries as to the actual Fact of Filiation, when the Question of physical Impossibility may come to be a Matter of critical Nicety. If a Man marries a Woman whom he had never before seen, at however short a Period previous to the Birth, the Legitimacy of the Child is a settled Point of Law, notwithstanding the Impossibility of the imputed Filiation.

(2) *Quære*, is this essential, or only directory: *Vi. R. v. Skinn*, 1 Bott. 476. As to whether there is any Authority when the Child is born in an extra-parochial Place: *R. v. Baker*, 1 Bott. 476.

(3.) There are several Cases, in which the Settlement of Bastards is in a different Place from that of their Birth; and no Provision has been made for any Order of Filiation in such Cases, except in the Case mentioned in Stat. 35 Geo. III. c. 101, s. 6, where the Birth takes place during the Suspension of an Order of Removal. Many Orders have been made in these Cases, but it seems very clear that they cannot be supported; and the Subject certainly requires the Assistance of the Legislature.

(4.) If the Mother is dead, the Examination before Birth, under Stat. 6 Geo. II. c. 31, is Evidence of the Filiation; and the Court said, that they had no Doubt that the Sessions would be of Opinion, that it was conclusive. *R. v. Rivenstone*, 5 T. R. 373. And the same was ruled as to the Admissibility of the Evidence in *Rex v. Clayton*, 3 East. 58. But why a Man should be concluded as to the Truth of an *ex parte* Examination taken in his Absence, upon a Subject upon which there is often a great deal of Falshood, it is rather difficult to discover. Neither is it very easy to reconcile the mere Admissibility of the Evidence, with the Decisions which have taken place respecting Settlements; or with the general Rule, that a Party shall not be affected by Evidence which he had no Opportunity to controvert.

(5.) The Order may be made after a Period of fourteen Years: *R. v. Miles*, 1 Sess. ca. 77.

(6.) The putative Father must be summoned, unless he actually appears; but a Summons by a third Justice to appear before the Justices making the Order is sufficient: *R. v. Taylor*, Temp. Hard. 112. And if summoned, it is not requisite that he should appear. *R. v. Upton Gray*, 1 Bott. 479. And it is not necessary that the Summons or Appearance should appear on the Face of the Order: *R. v. Clayton*, 3 E. 58.

(7.) An Order may be made upon the Mother, notwithstanding she is married before the Order is made. *Ellen Taylor's Case*, 3 Bur. 1681.

as they shall think meet and convenient: (8.) (4) And if after the same Order by them subscribed under their Hands, any the said Persons, viz. Mother or reputed Father, upon Notice thereof, shall not for their Part observe and perform the said Order; that then every such Party so making Default in not performing of the said Order, to be committed to ward to the common Gaol, (5) there to remain without Bail or Mainprise, except he, she or they shall put in sufficient Surety to perform the said Order, or else personally to appear at the next General Sessions of the Peace to be holden in that County where such Order shall be taken, (6) and also to abide such Order as the said Justices of the Peace or the more Part of them then and there shall take in that Behalf (if they then and there shall take any;) (7) and that if at the said Sessions the said Justices shall take no other Order, then to abide and perform the Order before made as is aforesaid. [3 Car. 1. c. 4. continued until the End of the first Session of the next Parliament, and farther continued by 16 Car. 1. c. 4.] (9.)

No. 1.  
18 Eliz. c. 3.

Farther Provisions relating hereto.

(8.) The Order cannot direct Security to be given for the Performance thereof, but may be set aside as to that, and confirmed as to the Remainder: *Rex v. Price*, 6 T. R. 147. *Rex v. Fox*, cited *ibid*

The following Points are collected by Burn, in analysing the usual Form of Orders of Bastardy.

1 The Examination must be by the two Justices, as well as the ordering Part: *R. v. Beard*, 2 Salk. 478.—2. It is not necessary that the Order should appear to be made upon the Complaint of the Churchwardens and Overseers: *Rex v. Buckall*, 1 Barnardist. 261.—3 The Sex must be stated: *R. v. England*, 1 Str. 503.—4 The Places of Birth must expressly appear in the Adjudication; and it is not sufficient that it may be collected by Inference: *R. v. Cash*, Cas. of Sc. 59. *R. v. Butcher*, 1 Str. 437. *R. v. Childers*, 1 Barnardist. 326. *R. v. Stanley*, Cald. 172.—5. It is not necessary to state that the Child is chargeable, or likely to become so; that being evident of every Bastard Child.—6. The Order must expressly adjudge, that the Party did beget the Child, stating that he had carnal Knowledge of the Mother, is not sufficient: *R. v. Browne*, 2 Str. 811, nor, *whereas it hath appeared to us*, &c.: *R. v. Pitts*, Doug. 661.—7. Orders were quashed for the Error, in stating that the Justices *doth* adjudge, instead of *do*: *Rex v. Winton*, 2 Lord Raymond, 1198. Anon. *ibid*—8. The Justices have no Authority to adjudge, that J. S. is not the Father, and therefore to discharge him: *R. v. Jenkins*, 2 Str. 1050.—9 A gross Sum may be ordered for Money laid out before: *R. v. Odam*, 1 Salk. 624.—10. The Order should be for Payment so long as the Child is chargeable, and not until it shall be fourteen Years of Age: *R. v. Barebaker*, 1 Salk. 121, 2 Salk. 278; or till it shall be able to get its Living by working: 1 Vent. 210. But in *R. v. Street*, 2 Str., an Order to pay till the Child was nine Years old, and in *R. v. Buckhall*, 1 Barnardist. to pay till the Age of twelve Years, was held good, as there could not be any reasonable Intendment that Bastards would have any Provision until those Ages.—These two last Cases seem to be rather objectionable, especially the latter; for it is very possible that a Child may be able to gain a Subsistence before the Age of twelve Years. In manufacturing Districts, it is a Matter of constant Experience, that they do so at a much earlier Age: Q. if the Case amounts to more than a Dictum.—11 The Justices cannot Order a Sum for putting out the Child Apprentice: *Brown's Case*, Comb. 418. Qu. *Rex v. Buckall*, *ub sup*.

(9) The Statute 16 Charles 1 continues the several Acts therein mentioned until other Acts shall be made to the contrary; or, in other Words, makes them perpetual.

## No. 2.

- 7 James I. c. 4.—An Act for the due Execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds and sturdy Beggars, and other lewd and idle Persons.

No 2. 'VII. **A**ND because great Charge ariseth upon many Places within this Realm by Reason of Bastardy, besides the great Dishonour of Almighty God, Be it therefore enacted by the Authority aforesaid, That every lewd Woman, which after this present Session of Parliament shall have any Bastard which may be chargeable to the Parish, the Justices of Peace shall commit such lewd Woman to the House of Correction, there to be punished and set on work, during the Term of one whole Year; (2) and if she shall afterwards offend again, That then to be committed to the said House of Correction as aforesaid, and there to remain until she can put in good Sureties for her good Behaviour, not to offend so again.

7 James I. c. 4  
The Punishment of lewd Women who have Bastards.  
18 Eliz. c. 3.  
2 Bulstr. 348.  
3 Car. I. c. 4.  
sect. 15.

## No. 3.

- 3 Charles I. c. 4.—An Act for Continuance and Repeal of divers Statutes.

No. 3. XV. **B**E it enacted, that *inter alia* so much of an Act made in the eighteenth Year of the Reign of the said late Queen Elizabeth, intituled, 'An Act for the setting the Poor on work and avoiding Idleness,' as concerneth Bastards begotten out of lawful Matrimony: (2) With this, That all Justices of the Peace within their several Limits and Precincts, and in their several Sessions, may do and execute all Things concerning that Part of the said Statute, that by Justices of the Peace in the several Counties are by the said Statute limited to be done; shall continue in Force until the End of the first Session of the next Parliament. (1)

(1.) It is now established by several Cases, that under the Authority of this Act, the Sessions have original Jurisdiction in Cases of Bastardy

## No. 4.

- 13 and 14 Charles II. c. 12.—An Act for the better Relief of the Poor of this Kingdom.

No. 4. 'XIX. **A**ND whereas the putative Fathers and lewd Mothers of Bastard Children run away out of the Parish, and sometimes out of the County, and leave the said Bastard Children upon the Charge of the Parish where they are born, although such putative Father and Mother have Estates suffi-

13 & 14 Char. II  
c. 12.  
Putative Fathers of Bastard Children run-

'cient to discharge such Parish; (2) Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the Churchwardens and Overseers for the Poor of such Parish where any Bastard Child shall be born, to take and seize so much of the Goods and Chattels, and receive so much of the annual Rents or Profits of the Lands of such putative Father or lewd Mother, as shall be ordered by any two Justices of Peace as aforesaid, for or towards the Discharge of the Parish, to be confirmed at the Sessions, for the bringing up and providing for such Bastard Child: (3) And thereupon it shall be lawful for the Sessions to make an Order for the Churchwardens or Overseers for the Poor of such Parish, to dispose of the Goods by Sale or otherwise, or so much of them for the Purposes aforesaid as the Court shall think fit, and to receive the Rents and Profits or so much of them as shall be ordered by the Sessions as aforesaid of his or her Lands.

No. 4.  
13 & 14 Char.  
11. c. 12.  
ning away, how  
to be proceeded  
against.

(1) See the Statute post. Title Poor.

### No. 5.

6 George II. c. 31. — An Act for the Relief of Parishes and other Places from such Charges as may arise from Bastard Children born within the same.

'WHEREAS the Laws now in Being are not sufficient to provide for the securing and indemnifying Parishes and other Places from the great Charges frequently arising from Children begotten and born out of lawful Matrimony; For Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of June in the Year of our Lord one thousand seven hundred and thirty-three, if any single Woman shall be delivered of a Bastard Child, which shall be chargeable, or likely to become chargeable, to any Parish or extraparochial Place, or shall declare herself to be with Child, and that such Child is likely to be born a Bastard and to be chargeable to any Parish or extraparochial Place, and shall in either of such Cases, in an Examination to be taken in Writing, upon Oath, before any one or more Justice or Justices of the Peace of any County, Riding, Division, City, Liberty, or Town Corporate, wherein such Parish or Place shall lie, charge any Person with having gotten her with Child, it shall and may be lawful to and for such Justice or Justices, upon Application made to him or them by the Overseers of the Poor of such Parish, or by any one of them, or by any substantial Householder of such extraparochial Place, to issue out his or their Warrant or Warrants for the immediate apprehending such Person so charged as aforesaid, and for bringing him before such Justice or Justices, or before any other of his

No. 5.  
6 George II.  
c. 31.

After 24 June  
1733, the Person  
charged on Oath  
of being the Father  
of a Bastard  
Child.

may be immediately  
apprehended.

No. 5. Majesty's Justices of the Peace of such County, Riding,  
6 George II. Division, City, Liberty or Town Corporate, and the Justice  
c. 31. or Justices before whom such Person shall be brought, is and

and committed  
to Prison, un-  
less he give Se-  
curity.

are hereby authorized and required to commit the Person so charged as aforesaid, to the Common Gaol or House of Correction of such County, Riding, Division, City, Liberty, or Town Corporate, unless he shall give Security to indemnify such Parish or Place, or shall enter into a Recognizance with sufficient Surety, upon Condition to appear at the next General Quarter Sessions or General Sessions of the Peace to be holden for such County, Riding, Division, City, Liberty, or Town Corporate, and to abide and perform such Order or Orders as shall be made in pursuance of an Act passed in the eighteenth Year of the Reign of her late Majesty Queen Elizabeth, concerning Bastards begotten and born out of lawful Matrimony.

18 Eliz. c.

Such Person  
on the Woman's  
Miscarriage,  
&c. shall be dis-  
charged.

II. Provided nevertheless, and be it enacted by the Authority aforesaid, That if the Woman so charging any Person as aforesaid, shall happen to die, or be married before she shall be delivered, or if she shall miscarry of such Child, or shall appear not to have been with Child at the Time of her Examination, then and in any of the said Cases such Person shall be discharged from his Recognizance at the next General Quarter Sessions or General Sessions of the Peace to be holden for such County, Riding, Division, City, Liberty or Town Corporate, or immediately released out of Custody, by Warrant under the Hand and Seal or Hands and Seals of any one or more Justice or Justices of the Peace residing in or near the Limits where such Parish or Place shall lie.

The Justices,  
on Prisoner's  
Request may  
summon the  
Overseers, &c.

III. Provided also, and be it enacted by the Authority aforesaid, That upon Application made by any Person who shall be committed to any Gaol or House of Correction by Virtue of this Act, or by any Person on his Behalf, to any Justice or Justices residing in or near the Limits where such Parish or Place shall lie, such Justice or Justices is and are hereby authorized and required to summon the Overseer or Overseers of the Poor of such Parish, or one or more of the substantial Householdors of such extraparochial Place, to appear before him or them at a Time and Place to be mentioned in such Summons, to shew Cause why such Person should not be discharged; and if no Order shall appear to have been made in Pursuance of the said Act of the eighteenth Year of the Reign of her late Majesty Queen Elizabeth, within six Weeks after such Woman shall have been delivered, such Justice or Justices shall and may discharge him from his Imprisonment in such Gaol or House of Correction to which he shall have been committed.

and if no Order  
be made within  
six Weeks after  
the Woman's  
Delivery, Pri-  
soner to be set  
at Liberty.

The Woman  
not to be exa-  
mined relating  
to her Pregnan-  
cy till one  
Month after her  
Delivery.

IV. Provided always, and be it further enacted by the Authority aforesaid, that it shall not be lawful for any Justice or Justices of the Peace to send for any Woman whatsoever before she shall be delivered, and one Month after, in order to her being examined concerning her Pregnancy, or supposed Pregnancy, or to compel any Woman before she shall be delivered

to answer to any Questions relating to her Pregnancy ; any Law, Usage, or Custom to the contrary notwithstanding. No. 5.  
6 George II.  
c. 31.

### No. 6.

49 Geo. III. c. 68. — An Act to explain and amend the Law of Bastardy, so far as relates to indemnifying Parishes in respect thereof.—[3rd. June 1809.]

**W**HEREAS the Provisions of an Act made in the Eighteenth Year of the Reign of Queen Elizabeth, concerning Bastards begotten and born out of lawful Matrimony, are found to be inadequate to the Purposes of indemnifying Parishes against the Charges and Expences incurred by the apprehending and securing the reputed Father, and also by the obtaining the Order of Filiation; And whereas it is expedient that such Charges and Expences should be borne and discharged by the adjudged reputed Father of such Bastard Child or Children, at the Discretion of the Justices by whom such Adjudication shall be made, either in the Court of Quarter Sessions or otherwise, not exceeding the Amount herein-after mentioned: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who shall hereafter be adjudged to be the reputed Father of any Bastard Child or Children, shall be chargeable with and liable to the Payment of all reasonable Charges and Expences incident to the Birth of such Bastard Child or Children, and also to the Payment of the reasonable Costs of apprehending and securing such reputed Father, and also to the Payment of the Costs of the Order of Filiation, such Costs of apprehending and securing the reputed Father, and of the Order of Filiation, not to exceed the Sum of Ten Pounds; and all such Charges, Expences, and Costs, shall be duly and respectively ascertained on Oath before the Justices of the Peace or the Court of Quarter Sessions making such Order of Filiation, which Oath such Justices or Court are hereby respectively empowered to administer.

II. And be it further enacted, That if any Single Woman shall declare herself to be with Child, and that such Child is likely to be born a Bastard, and to be chargeable to any Parish, Township, or Extra-parochial Place, and shall, in an Examination to be taken in Writing upon Oath before any Justice of the Peace of any County, Riding, Division, City, Liberty or Town Corporate wherein such Parish, Township, or Place shall lie, charge any Person with having gotten her with Child, it shall be lawful to and for such Justice, upon Application made to him by the Overseer of the Poor of such Parish or Township, or by any substantial Householder of such Extra-

No. 6.  
49 George III.  
c. 68.  
18 Eliz. c. 3.

Reputed Father of a Bastard shall be chargeable with Expences incident to the Birth, and with Costs of his own Apprehension and of the Order of Filiation.

Men charged on Oath by Women likely to be delivered of Bastards, may be apprehended by Warrant of a Justice and compelled to give Security to indemnify the Parish, or to abide the Order of Sessions under 18 Eliz. c. 3



No. 6.  
49 Geo. III.  
c. 68.

parochial Place, to issue out his Warrant for the immediate apprehending of such Person so charged as aforesaid, and for bringing him before such Justice, or before any other Justice of the Peace of such County, Riding, Division, Liberty, or Town Corporate; and the Justice before whom such Person shall be brought, having Authority in this Behalf, is hereby authorized and required to commit the Person so charged as aforesaid to the Common Gaol or House of Correction of such County, Riding, Division, Liberty, or Town Corporate, unless he shall give Security to indemnify such Parish or Place, or shall enter into a Recognizance with sufficient Surety or Sureties upon Condition to appear at the next General Quarter Sessions or General Sessions of the Peace to be holden for such County, Riding, Division, City, Liberty, or Town Corporate, to abide and perform such Order or Orders as shall then be made (1.) in pursuance of the said Act of the Eighteenth Year of the Reign of Queen Elizabeth, unless one such Justice as aforesaid, shall have certified in Writing under his Hand to such General Quarter Sessions or General Sessions of the Peace, that it had been proved before him upon the Oath of one credible Witness that such Single Woman had not been then delivered, or had been delivered within One Month only previous to the Day on which such General Quarter Sessions or General Sessions of the Peace shall be holden, or unless Two Justices of the Peace of such County, Riding, Division, City, Liberty, or Town Corporate, shall have certified in Writing under their Hands to the next, or where such Woman shall not have been delivered as aforesaid, then to the immediately subsequent General Quarter Sessions or General Sessions of the Peace, that an Order of Filiation had been already made on the Person so charged, or that such Order was not then requisite to be made, on account of the Death of the Child born a Bastard, or for other like sufficient Reason; in each of which Cases firstly before mentioned it shall be lawful for the Justices assembled at such General Quarter Sessions or General Sessions of the Peace, to respite such Recognizance to the then next General Quarter Sessions or General Sessions of the Peace to be holden for such County, Riding, Division, City, or Town Corporate, without requiring the personal Attendance of the Putative Father so bound or of that of his Surety or Sureties, and in either of the said two last mentioned Cases it shall be lawful for the Justices assembled as aforesaid wholly to discharge such Recognizance.

For Maintenance of Bastard Children.

III. 'And whereas Parishes are often put to great Expence in enforcing the Performance of Orders of Maintenance made on the Filiation of Bastard Children; Be it therefore further enacted, That if any reputed Father or

(1) There was an Oversight in the Introduction of the Word *then*, which confines the Condition of the Recognizance to Orders made at the Sessions. The Recognizance directed by Stat. 6 Geo. II. was general, to abide such Order as should be made in pursuance of the Statute of Elizabeth, and which of course extended to Orders made by Justices out of Sessions.

any Mother of such Bastard Child or Children on whom any Order of Filiation or Maintenance of such Child or Children shall have been made by the Court of Quarter Sessions, or which shall have been made by two Justices of the Peace, and confirmed by the Court of Quarter Sessions, or against which no Appeal shall have been made to the Court of Quarter Sessions, shall neglect or refuse to pay any Sum or Sums of Money which he or she shall have been ordered to pay towards the Maintenance or other Sustentation for the Relief of any such Bastard Child or Children by any such Order, it shall be lawful for any Justice of the Peace of the County, Riding, Division, City, Liberty, or Town Corporate in which such reputed Father or such Mother shall happen to be, and the said Justice is hereby required upon Complaint made to him by any one of the Overseers of the Poor of any Parish, Township, or Place liable to the Maintenance or Support of such Bastard Child or Children, or where such Bastard Child or Children shall then be, and upon Proof on Oath of such Order for the Payment of such Sum or Sums of Money, and of such Sum or Sums of Money being unpaid, and of a Demand of such Payment having been made, and a Refusal to pay the same, or that such reputed Father or such Mother hath left his or her usual Place of Abode, and hath avoided a Demand thereof being made by such Overseer, to issue his Warrant to apprehend such reputed Father or such Mother, and to bring him or her before such Justice or any other Justice of the Peace of the same County, Riding, Division, City, Liberty, or Town Corporate, to answer such Complaint; and if such reputed Father or such Mother shall not pay such Sum or Sums of Money as shall appear to the said Justice before whom such reputed Father or such Mother shall be brought to be due and unpaid, or shall not shew to such Justice some reasonable and sufficient Cause for not so doing, it shall be lawful for such Justice, and the said Justice is hereby required to commit such reputed Father or such Mother to the Publick House of Correction or Common Gaol of the said County, to be there kept to hard Labour for the Space of Three Months, unless such reputed Father or such Mother shall, before the Expiration of the said Three Months, pay or cause to be paid to One of the Overseers of the Poor of the Parish, Township, or Place on whose Behalf such Complaint as aforesaid was made, the said Sum or Sums of Money so due and unpaid as aforesaid, and so from Time to Time and as often as such reputed Father or such Mother shall in Manner aforesaid neglect or refuse to pay any other Sum or Sums of Money that shall afterwards become due by virtue of and under such Order after the Expiration of or Discharge from any such former Imprisonment as aforesaid.

No. 6.  
49 George III.  
c. 68.

Father or Mother neglecting to pay for Maintenance of Bastard according to Order, may be apprehended and committed by one Justice for 3 Months, or till Payment.

IV. Provided always, and be it further enacted, That all such Charges, Expences, and Costs shall be wholly subject to the Discretion of the Justices or Court of Quarter Sessions of Expenses and Costs subject to the Discretion of Justices or

No. 6. who shall make such Order of Filiation; and the Justices or  
 49 George III. Court of Sessions are hereby authorized, if they shall see fit, to  
 c. 68. allow and order Payment of the Whole or any Part thereof:  
 Sessions, and re- Provided always, That the Costs of apprehending and securing  
 coverable as the reputed Father, and of the Order of Filiation, shall not in  
 under 18 Eliz. any Case exceed the Sum of ten Pounds; and for securing the  
 c. 3. due Payment of the same, after such Allowance and Order as  
 aforesaid, all and every the Powers, Authorities, Provisions,  
 Clauses, Matters, and Things contained in the said Act passed  
 in the eighteenth Year of the Reign of Queen *Elizabeth*, con-  
 cerning Bastards begotten and born out of lawful Matrimony,  
 shall be respectively observed, used, and practised in the Exec-  
 ution of this Act, and shall be construed, deemed and taken to  
 apply as fully and effectually, to all Intents and Purposes, as if  
 the said Powers, Authorities, Provisions, Clauses, Matters and  
 Things were specially recited and re-enacted in this Act.

Appeal to the  
 Quarter Ses-  
 sions, on giving  
 Notice and en-  
 tering into Re-  
 cognizance.

V. Provided also, and be it further enacted, That any  
 Person or Persons who shall think himself, herself, or them-  
 selves aggrieved by any Order made by such Justices as afore-  
 said under the Provisions of this Act, and not originating in  
 the Quarter Sessions, may appeal to the next General Quarter  
 Sessions of the Peace to be holden for the County where such  
 Order shall be made, on giving Notice to such Justices, or to  
 one of them, and also to the Churchwardens and Overseers of  
 the Poor of the Parish on whose Behalf such Order shall have  
 been made, or to one of them, ten clear Days before such  
 General Quarter Sessions of the Peace at which such Appeal  
 shall be made, of his, her, or their Intention of bringing such  
 Appeal, and of the Cause and Matter thereof, and entering  
 into a Recognizance within three Days after such Notice  
 before some Justice of the Peace for such County, with suffi-  
 cient Surety conditioned to try such Appeal, and abide the  
 Judgment and Order of, and pay such Costs as shall be award-  
 ed by the Justices at such Quarter Sessions, which said Just-  
 ices at their said Sessions, upon Proof of such Notice being  
 given, and of entering into such Recognizance as aforesaid,  
 shall and they are hereby required to proceed in, hear, and  
 determine the Cause and Matters of all such Appeals, and  
 shall give such Relief and Costs to the Parties appealing or  
 appealed against as they in their Discretion shall judge proper;  
 and such Judgments and Orders therein made shall be final,  
 binding, and conclusive to all Parties concerned, and to all  
 Intents and Purposes whatsoever.

So much of  
 6 Geo. 2, c. 31,  
 s. 1, 2, as autho-  
 rizes Justices to  
 commit reputed  
 Father before  
 Birth of Bastard,  
 repealed.

VI. And be it further enacted, That so much of an Act  
 passed in the Sixth Year of the Reign of His late Majesty  
 King *George* the Second, intituled, "An Act for the Relief  
 of Parishes and other Places from such Charges as may arise  
 from Bastard Children born within the same," as authorizes  
 the Justice or Justices before whom the reputed Father of  
 a Bastard Child shall be brought, in Cases where the Woman  
 has not been delivered, to commit such reputed Father to the

Common Gaol or House of Correction, unless he shall give Security to indemnify the Parish or Place, or shall enter into a Recognizance with sufficient Surety upon Condition to appear at the next General Quarter Sessions or General Sessions of the Peace, shall be and is hereby repealed. No. 6.  
49 George III.  
c. 68.

VII. And be it further enacted, That from and after the passing of this Act, no Appeal in any Case relating to Bastardy shall be brought, received, or heard at the said Quarter Sessions, unless such Notice shall have been given, and such Recognizance shall have been entered into in Manner aforesaid, according to the Provisions of this Act. No future  
Appeal without  
Notice  
[See § 5.]

“ Commencement of Act, 20th. July 1809. § 8.”

## PART VI. CLASS V.

### BENT.

#### No. 1.

**p.** 15 George II. c. 33.—An Act to revive several Acts,  
\* \* \* \* and for the more effectual preventing the cut-  
ting of Star or Bent,

No. 1.  
15 George II.  
c. 33.

**VI.** **A**ND whereas upon the North-west Coasts of this Kingdom, and especially in the County Palatine of Lancaster, the Sea is bounded, and the adjacent Lands are prevented from being overflowed by large Sand Hills, which are composed of such loose Sand, That in dry Weather, when any violent strong West Winds happen to blow, the same is carried away and thrown upon the adjacent Lands, not only to the Damage thereof, but also to the great Terror and Danger of the Inhabitants, who are thereby exposed to the Inundation of the Sea: And whereas it has been found by Experience, that the best Way to preserve the said Hills from being blown away as aforesaid, is to plant them with a certain Rush or Shrub called Star or Bent, which proves an effectual Method for keeping the same firm and solid, and which the Owners of the said Lands are at great Costs and Charges, in yearly setting and planting for that Purpose: And whereas it frequently happens, that many idle and disorderly Persons, residing near the said Coasts, do unlawfully and maliciously in the Night-time, as well as by Day, cut, pull up, and carry away the Star or Bent so planted as aforesaid, and instead of working in an honest Manner for the Maintenance and Support of their Families, do privately sell and dispose of the said Star or Bent, for making of Mats, Brushes, and Brooms or Besoms, and thereby the said Hills are rendered so loose and open, that the same are often blown upon the adjacent Lands, which are covered over therewith in such Manner as to destroy the Corn, Grass, and Herbage thereof, and expose the same to Inundations, to the great Loss and Damage of the Owners and Occupiers of the said Lands: For Remedy whereof, be it enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time or Times, from and after the twenty-ninth Day of September, one thousand seven hundred and forty-two, by Day or Night, without the Consent of the Lord or Owner of such Star or Bent Hills, cut, pull up, or carry away any Star or Bent which already is,

or at any Time or Times hereafter shall be planted or set on the said Hills or Banks, on the North-west Coasts of *England*, in order to preserve and to prevent the same from being blown upon the said adjacent Lands, it shall and may be lawful to and for any one or more of his Majesty's Justices of the Peace of the County, Riding, City, Town Corporate, Liberty, or Division, where such Star or Bent shall be cut, pulled up, or carried away, and such Justice or Justices is and are hereby empowered, upon Complaint or Information upon Oath made of such Offence (which Oath such Justice or Justices is and are hereby authorized to administer) to summon the Party or Parties so complained of, and in Default of Appearance thereon, to issue out his or their Warrant or Warrants to apprehend and bring before him or them the Person or Persons so accused or complained of; and upon Proof thereof made, either by Confession of the Party or Parties so accused, or upon the Oath of one or more credible Witness or Witnesses, to convict the Offender or Offenders; and every Person so offending, and being thereof convicted as aforesaid, shall forfeit and pay the Sum of twenty Shillings; one Moiety thereof to the Informer, and the other Moiety to the Lord or Owner of such Star, Bent, or Sand-hills; the same to be levied by Distress and Sale of the Offenders' Goods and Chattels, by Warrant under the Hands and seals of such Justice or Justices, together with the Charges of such Distress and Sale, rendering the Overplus, if any be, to the Owner or Owners thereof; and for Want of sufficient Distress, the said Justice or Justices are hereby required to commit the Person or Persons so convicted as aforesaid to the House of Correction, there to remain and be kept to hard Labour for the Space of three Months; and if any Person or Persons so convicted shall afterwards be guilty of a second Offence, and thereof lawfully convicted by such Justice or Justices, either by Confession of the Party or Parties, or upon the Oath of one or more credible Witness or Witnesses, such Person or Persons shall be committed to the House of Correction for the Space of one Year, there to be whipt and kept to hard Labour.

No. 1.  
15 Geo 11  
c. 21.

Penalty for  
cutting Star or  
Bent from the  
Sand hills.

Penalty on  
second Offence.

VII. And be it further enacted by the Authority aforesaid, That if any Star or Bent shall be found in the Custody or Possession of any Person or Persons within five Miles of any such Star, Bent, or Sand-hill as aforesaid, such Person or Persons being convicted thereof before one or more Justice or Justices in Manner aforesaid, shall be deemed, adjudged, and taken to be the Cutter and Puller of such Star or Bent from such Sand-hills, and shall forfeit and pay the Sum of twenty Shillings; one Moiety thereof to the Lord or Owner of such Star, Bent, or Sand-hills, the same to be levied in Manner aforesaid, by Distress and Sale of the Offender's Goods and Chattels, together with the Charges of such Distress and Sale, rendering the Overplus, if any, to the Owner or Owners thereof; and for Want of sufficient Distress, such Person or Persons shall be committed in Manner aforesaid, to the House

Penalty on  
having Star or  
Bent in Custody.

No. 1 of Correction, there to remain and be kept to hard Labour for  
15 Geo II. the Space of three Months.

c. 33.

PROVISO.

VIII. Provided always, That nothing in this Act contained shall extend, or be construed to extend to prohibit or restrain any Person or Persons from the Exercise or Enjoyment of any ancient prescriptive Right, to cut Star or Bent upon the Sea Coasts in the County of *Cumberland*.  
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## PART VI. CLASS VI.

### BRIDGES.

#### No. 1.

22 Henry VIII. c. 5.—For Bridges and Highways.

**B**E it enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That the Justices of Peace in every Shire of this Realm, Franchise, City, or Borough, or four of them at the least, (1.) whereof one to be of the *Quorum*, shall have Power and Authority to inquire, hear, and determine in the King's General Sessions of Peace, of all Manner of Annoyances of Bridges broken in the Highways, to the Damage of the King's liege People, and to make such Process and Pains upon every Presentment afore them for the Reformation of the same, against such as owen to be charged for the making or amending of such Bridges, as the King's Justices of his Bench use commonly to do, or as it shall seem by their Discretions to be necessary and convenient for the speedy Amendment of such Bridges.

' II. And where in many Parts of this Realm it cannot be known and proved what Hundred, Riding, Wapentake, City, Borough, Town or Parish, nor what Person certain, or Body Politick, ought of Right to make such Bridges decayed, by Reason whereof such decayed Bridges, for lack of Knowledge of such as owen to make them, for the most Part lie long without any Amendment, to the great Annoyance of the King's Subjects.'

III. For the Remedy thereof, be it enacted by Authority aforesaid, That in every such Case the said Bridges, if they be without City or Town Corporate, shall be made by the Inhabitants (2.) of the Shire or Riding within the which the said Bridge decayed shall happen to be; and if it be within any City

(1.) If the Bridge be within a Franchise which hath not four Justices and a Sessions of its own, the Justices of the County shall inquire; but if the Franchise be a County of itself, and hath not four Justices, it is not within the Statute, but is left to the Remedy at Common Law: 2 Inst. 702.

(2.) In the Reading upon this Statute, 2 Inst. 702, it is shewn that the *Firm Inhabitants* is referable to the Occupiers of Tenements, and that Corporations are chargeable for the Roads in their own Occupation: but by Statute 12, G. II. c. 29, the Charge of repairing Bridges is to be included in the general County Rate.



No. 1. or Town Corporate, then by the Inhabitants of every such City  
 22 Henry VIII. or Town Corporate wherein such Bridges shall happen to be;  
 c. 5. and if Part of any such Bridges so decayed happen to be in  
 one Shire, Riding, City, or Town Corporate, and the other  
 Part thereof in another Shire, Riding, City, or Town Corporate,  
 or if Part be within the Limits of any City or Town Corporate,  
 and Part without, or Part within one Riding and Part within another;  
 that then and in every such Case, the Inhabitants of the Shires,  
 Ridings, Cities, or Towns Corporate shall be charged, and chargeable  
 to amend, make, and repair such Part and Portion of such Bridges  
 so decayed as shall lie and be within the Limits of the Shire,  
 Riding, City, or Town Corporate, wherein they be inhabited at the  
 Time of the same Decay.

The Justices  
 may tax the Inhabitants with  
 the Assent of  
 the Constables.

IV. And be it further enacted, That in every such Case  
 where it cannot be known and proved, what Persons, Lands,  
 Tenements, and Bodies Politick owen to make and repair such  
 Bridges, that for speedy Reformation and amending of such  
 Bridges, the Justices of Peace within the Shires or Ridings  
 wherein such decayed Bridges been out of Cities and Towns  
 Corporate, and if it be within Cities or Towns Corporate, then  
 the Justices of Peace within every such City or Town Corporate,  
 or four of the said Justices at the least, whereof one to be  
 of the *Quorum*, shall have Power and Authority within the  
 Limits of their several Commissions and Authorities, to call be-  
 fore them the Constables of every Town and Parish, being  
 within the Shire, Riding, City, or Town Corporate, as well  
 within Liberty as without, wherein such Bridges, or any  
 Parcel thereof shall happen to be, or else two of the most  
 honest Inhabitants within every such Town or Parish in the  
 said Shire, Riding, City, or Town Corporate, by the Discre-  
 tion of the said Justices of Peace, or four of them at the least-  
 whereof one to be of the *Quorum*; and at and upon the Ap-  
 pearances of such Constables or Inhabitants the said Justices  
 of Peace, or four of them, whereof one to be of the *Quorum*, with  
 the Assent of the said Constables or Inhabitants, shall have  
 Power and Authority to tax and set every Inhabitant in every  
 such City, Town, or Parish within the Limits of their Com-  
 missions and Authorities, to such reasonable Aid and Sum of  
 Money as they shall think by their Discretions convenient and  
 sufficient for the repairing, re-edifying, and Amendment of  
 such Bridges; and after such Taxation made, the said Justices  
 shall cause the Names and Sums of every particular Person so  
 by them taxed, to be written in a Roll indented: And shall  
 also have Power and Authority to make two Collectors of every  
 Hundred, for Collection of all such Sums of Money by  
 them set and taxed; which Collectors, receiving the one Part  
 of the said Roll indented under the Seals of the said Justices,  
 shall have Power and Authority to collect and receive all the  
 particular Sums of Money therein contained, and to distrain  
 every such Inhabitant as shall be taxed and refuse Payment  
 thereof, in his Lands, Goods, and Chattels, and to sell

By 1 Ann.  
 stat. 1 c. 18.  
 Sessions of the  
 Peace may tax  
 the several  
 Townships, &c.  
 See 2 Inst. 704.  
 Doug 180.

Two Collect-  
 ors of every  
 Hundred.

such Distress, and of the Sale thereof retain and perceive all the Money taxed, and the Residue (if the Distress be better) to deliver to the Owner thereof; and that the same Justices, or four of them, within the Limits of their Commissions and Authorities, shall also have Power and Authority to name and appoint two Surveyors, which shall see every such decayed Bridge repaired and amended from Time to Time as often as Need shall require, to whose Hands the said Collectors shall pay the said Sums of Money taxed, and by them received; and that the Collectors and Surveyors, and every of them, and their Executors and Administrators, and the Executors and Administrators of them, and every of them, from Time to Time, shall make a true Declaration and Accompt to the Justices of Peace of the Shire, Riding, City, or Town Corporate, wherein they shall be appointed Collectors or Surveyors, or to four of the same Justices, whereof one to be of the *Quorum*, of the Receipts, Payments, and Expenses of the said Sums of Money: And if they or any of them refuse that to do, that then the same Justices of Peace, or four of them, from Time to Time, by their Discretions, shall have Power and Authority to make Process against the said Collectors and Surveyors, and every of them, their Executors and Administrators, and the Executors and Administrators of every of them, by Attachments under their Seals, returnable at the General Sessions of Peace, and if they appear, then to compel them to account as is aforesaid; or else if they or any of them refuse that to do, then to commit each of them as shall refuse, to Ward, there to remain without Bail or Mainprize, till the said Declaration and Account be truly made.

V. And where any Bridge or Bridges lien in one Shire or Riding, and such Persons Inhabitants, Bodies Politick, Lands, or Tenements, which owen to be charged to the making and amending of such Bridges, lien and abiden in another Shire or Riding, or where such Bridges been within any City or Town Corporate, and the Persons Inhabitants, Bodies Politick, Lands or Tenements, that owen to make or repair any such Bridges, lien and been out of the said Cities and Towns Corporate; be it enacted, That in every such Case, the Justices of Peace of the Shire, City or Town Corporate, within the which such decayed Bridges, or any Part thereof shall happen to be, shall have Power to enquire, hear, and determine all such Annoyances, being within the Limits of their Commissions or Authorities; and if the Annoyance be presented, then to make Process into every Shire within this Realm, against such as owen to make or amend any such Bridges so presented before them to be decayed, to the Annoyance and Let of the Passage of the King's Subjects, and to do farther in every Behalf in every such Case, as they might do by Authority of this Act, in case that the Persons or Bodies Politick, Lands or Tenements, which owen to be charged to the amending or making of such Bridges, or any Part thereof, were in the same Shire, Riding, City, or Town Corporate. where such

No. 1.  
Henry VIII.  
c. 5.

The Justices shall appoint two who shall repair the Bridge.

The Collectors and Surveyors shall accompt to the Justices.

The Justices may make Process into every Shire against Offenders

No. 1. Annoyance shall happen to be. And that all Sheriffs and Bailiffs of Liberties and Franchises, shall truly serve and execute such Process as shall come to their Hands from the said Justices of Peace afore whom any Presentment shall be had for any such Annoyance, according to the Tenor and Effect of the said Process to them directed, without Favour, Affection, or Corruption, upon Pain to make such Fine as shall be set upon them, or any of them, by the Discretion of the said Justices.

22 Henry VIII.  
c. 5.  
Sheriffs, &c.  
shall serve Pro-  
cess upon the  
Offenders.

The Five  
Ports excepted.

VI. Provided alway, that this Act, or any thing therein contained, be not prejudicial to the Liberties of the Five Ports, or Members of the same. And for Reformation of Annoyances of Bridges within the said Ports and Members.

VII. Be it enacted by Authority of this present Parliament, That the Warden, Mayors, and Bailiffs elected, and Jurates of the same Ports, and every of them, have Power and Authority to enquire, hear, and determine all Manner of common Annoyances of Bridges within the same Ports and Members, and to make such Process, Pains, Taxations, and all other Things within the same Ports and Members, as the Justices of Peace may do in other Shires or Places out of the same Ports, by Virtue and Authority of this present Act in every Behalf.

Allowance  
made to the Sur-  
veyors and Col-  
lectors.

VIII. And be it further enacted by the Authority aforesaid, That the Justices of Peace, or four of them, shall have full Power and Authority to allow such reasonable Costs and Charges to the said Surveyors and Collectors, as by their Discretions shall be thought convenient.

IX. 'Forasmuch that albeit Bridges decayed were amended and repaired according to the Tenor of this Act, yet nevertheless, if speedy Remedy for the Amendment of the Ways next adjoining to every of the Ends of such Bridges should not be had and made, the King's Subjects should take little or none Avail or Commodity in many Parts of this Realm by the making of the Bridges.' In Consideration whereof, be it enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That such Part and Portion of the Highways in every Part of this Realm, as well within Franchise as without, as lie next adjoining to the Ends of any Bridges within this Realm, distant from any of the said Ends by the Space of three hundred Foot, (1.) be made, repaired, and amended as often as Need shall require; and that the Justices of the Peace in every Shire of this Realm, Franchise, City, or Borough, or four of them at the least, whereof one to be of the *Quorum*, within the Limits of their Commissions and Authorities, shall have Power and Authority to inquire, hear, and determine in the King's General Sessions of Peace, all Manner of Annoyances of and in such Highways, so being and lying next adjoining to any Ends of Bridges

(3.) The Obligation (established by several Authorities) of a County to repair a new-erected Bridge of public Utility, extends to the 300 Feet at the Ends R v West Riding of York 7. L. 588.

within this Realm, distant from any one of the Ends of such Bridges three hundred Foot, and to do in every Thing and Things concerning the making, repairing, and amending of such Highways and every of them, in as large and ample Manner as they might and may do, to and for the making, repairing, and amending of Bridges, by Virtue and Authority of this present Act.

No. 1.  
22 Henry VIII.  
c. 5  
Farther Provisions, see Index, III Bridges.

## No. 2.

1 Anne, Stat. 1. c. 18.—An Act to explain and alter the Act made in the two and twentieth Year of King *Henry* the Eighth, concerning repairing and amending of Bridges in the Highways: And for repealing an Act made in the twenty-third Year of Queen *Elizabeth*, for the re-edifying of *Cardiffe* Bridge in the County of *Glamorgan*: And also for changing the Day of Election of the Wardens and Assistants of *Rochester* Bridge.

WHEREAS by an Act of Parliament in the two and twentieth Year of the Reign of King *HENRY* the Eighth, intituled, *An Act concerning repairing and amending of Bridges in the Highways*, it is amongst other Things therein enacted, That in every Case where it cannot be known and proved what Persons, Lands, Tenements, and Bodies Politick ought to make and repair such Bridges, that for speedy Reformation and amending of such Bridges, the Justices of the Peace within their several Counties, Shires, Ridings and Divisions, Cities and Towns Corporate, or any four of them, whereof one to be of the *Quorum*, shall within the Limits of their several Commissions call before them the Constables of every Town and Parish, or else two of the most honest Inhabitants of every Town and Parish, and with the Assent of the said Constables or Inhabitants, shall tax and set every Inhabitant in such City, Town, and Parish, to such reasonable Aid, and Sums of Money, as they shall think by their Discretions convenient for the repairing of such Bridges, and after such Taxation made, shall cause the Names and Sums of every particular Person so by them taxed, to be written in a Roll indented, one Part whereof is to be delivered under the Hands and Seals of the said Justices, to two Collectors appointed by the said Justices for every Hundred, who are thereby empowered to collect the same; which Method and Manner of taxing and collecting the said Money for Repair of decayed Bridges, and the Highways thereunto adjoining, having by long Experience been found very troublesome, burthensome, and chargeable to the several Counties, Cities, Towns Corporate, Ridings and Divisions: And whereas in many Places within this Kingdom, more Money than is necessary for the Repair of such Bridges hath been taxed and collected, or the Money which hath been so

No. 2.  
1 Anne, Stat. 1.  
c. 18.  
22 H. 8 c. 5.  
concerning the amending of Bridges.

No. 2. <sup>1</sup> taxed and collected hath been misemployed, and not laid  
 1 Anne, Stat. 1. out in the Repair of such Bridges as was intended: For  
 c. 18. Remedy of all which Mischiefs and Inconveniencies for  
 the future, May it please your most Excellent Majesty  
 that it may be enacted; and be it enacted by the Queen's  
 most Excellent Majesty, by and with the Advice and Consent  
 of the Lords Spiritual and Temporal, and Commons, in this  
 present Parliament assembled, and by the Authority of the  
 same, That all and every the Clauses, Matters and Things  
 in the said Act of the two and twentieth Year of the Reign of  
 the said King HENRY the Eighth, not hereby altered, shall be  
 and continue in full Force and Virtue, to all Intents, Con-  
 structions and Purposes whatsoever, relating to the repairing  
 of decayed Bridges, and the Highways thereunto adjoining.

further conti-  
 nued.

For collecting  
 Money for Re-  
 pair of decayed  
 Bridges, Justices  
 of Peace, may  
 assess every  
 Town, &c. in  
 Proportion.

Assessments  
 how to be le-  
 vied, &c.

Treasurers to  
 be appointed  
 and Monies  
 how employed.

On Nonpay-  
 ment, to be le-  
 vied by Distress.

II. And be it further enacted by the Authority aforesaid,  
 That for the more easy taxing and collecting of the Money  
 for the Repair of decayed Bridges, and that the same may  
 be duly applied to the Purposes for which it is intended,  
 the Justices of the Peace, within the several Limits of their  
 Commissions, shall, at their General or Quarter-Sessions  
 of the Peace, from and after the first Day of May, which  
 shall be in the Year of our Lord one thousand seven hundred  
 and two, have full Power and Authority, upon due Present-  
 ment to them made, that any Bridge within their respective  
 Commissions or Authorities is out of Repair, and which by  
 them hath usually, or ought to have been repaired and main-  
 tained, to assess upon every Town, Parish or Place within  
 their respective Commissions, in Proportions upon each re-  
 spective Town and Parish, as they usually have been assessed  
 towards the Repair of Bridges; which Money so assessed  
 as aforesaid, shall be levied and collected by the respective  
 Constables of each Parish, Township, Hamlet or Vill, or  
 by such other Person and Persons, and in such Manner, as  
 the said Justices by their Order at such Sessions, shall in that  
 Behalf direct and appoint, and the Money thereby raised  
 shall (by such Constables or other Persons, so as aforesaid by  
 them collected) be paid over by them to the High Constables  
 of every Hundred, in any such County, City, Riding, or Divi-  
 sion, in six Days after they shall have received the same, and  
 the High Constables shall and are hereby required, in ten Days  
 after their Receipt, to pay the same into the Hands of such  
 Person and Persons as the said Justices, by their Order, at such  
 Sessions shall direct and appoint to be Treasurers and Receivers  
 of the same, and the Money thereby raised shall be employed  
 and accounted for according to the Orders and Directions of the  
 said Justices, for and towards the amending of such decayed  
 Bridges, and the Highways at the End of the said Bridges,  
 from Time to Time, as Need shall require; and the said  
 Assessments shall be levied by Distress and Sale of the Goods  
 of every Person so assessed, not paying the same within ten  
 Days after Demand, rendring the Overplus of the Value of the  
 Goods so distrained to the Owner and Owners thereof, the ne-

cessary Charges of making and selling such Distress being first deducted.

No. 2.  
1 Anne, Stat. 1,  
c. 18.

III. And to the End that the Money which is hereby intended to be assessed and levied, may be duly collected, paid and applied to the several Purposes for which it is intended, Be it further enacted by the Authority aforesaid, That every High Constable, Churchwarden, Overseer of the Poor, or Petty Constable or other Person that shall neglect to assess, collect or pay the Money hereby intended to be raised, as is herein before directed, shall for every such Offence forfeit the Sum of forty Shillings; and every Treasurer that shall pay any Money but by Order of such Justices of the Peace, at such Sessions (which Order the said Justices are hereby required and commanded to make only for the building, repairing, or amending such Bridges, and the Highways at the End of such Bridges as aforesaid) shall for every such Offence forfeit the Sum of five Pounds.

Penalty on  
Constable, &c.

IV. And whereas upon Presentments, and Indictments for not repairing such Bridges, and the Highways at the End of such Bridges, the Fines imposed and set upon such Presentments and Indictments, and other Fines and Issues for not repairing, building and amending such Bridges, and the Highways at the End of such Bridges, are returned into the Court of *Exchequer*, or other Courts; Be it therefore further enacted by the Authority aforesaid, That no Fine, Issue, Penalty or Forfeiture, shall hereafter be returned into the Court of *Exchequer*, or other Court, but shall be levied and paid into the Hands of the Treasurer or Treasurers, so as aforesaid appointed by the said Justices, to be accounted for by the said Treasurer, and to be applied by the said Justices towards the building, repairing and amending such Bridges, and the Highways at the End of such Bridges, and to no other End or Purpose whatsoever.

Fines, &c. to  
be paid to the  
Treasurer.

V. And be it enacted by the Authority aforesaid, That all Matters concerning the repairing and amending of the Bridges and Highways herein before mentioned, shall be determined in the County where they lie, and not elsewhere; and that no Presentment or Indictment for not repairing such Bridges, or the Highways at the End of such Bridges, shall be removed by *Cernorari* out of the said County into any other Court.

Matters con-  
cerning Repair  
of Bridges, &c.  
where to be de-  
termined.

VI. And be it further enacted by the Authority aforesaid, That the said Justices of the Peace at such General Quarter Sessions as aforesaid, shall have full Power and Authority to allow such Persons concerned in the Execution of this present Act, any Sum not exceeding three Pence in the Pound.

Justices to al-  
low 3d in the  
Pound, &c.

VII. And be it further enacted, by the Authority aforesaid, That if any Action or Suit shall be hereafter commenced or prosecuted against any Person or Persons by this Act authorized to put the same in Execution, every Person or Persons so sued may plead the General Issue, and give this Act or the said recited Act made in the two and twentieth Year of the Reign

General Issue

No. 2. of King HENRY the Eighth, and the special Matter in Evidence; and if the Plaintiff shall become nonsuit, or forbear further Prosecution, or suffer Discontinuance, or if a Verdict shall pass against him or her, the said Defendant and Defendants shall recover his and then double Costs, for which he and they shall have the like Remedy, as in Cases where Costs by Law are given to Defendants.

Persons and Things exempted.

VIII. Provided always, that this Act, nor any Thing therein contained, shall excuse or discharge any particular Persons, Estates, or Places from repairing any Bridge, which they have heretofore usually repaired.

Penalties how to be levied.

IX. And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures incurred by this Act shall be applied towards the repairing the said Bridges, and Highways at the Ends of the same.

[X. 23 Eliz. c. 11, relating to Cardiffe Bridge, repealed.]

[XI. Cardiffe Bridge deemed a common Bridge.—How it shall be repaired.]

[XII. Orders heretofore made not be annulled.]

XIII. And whereas many private Persons, or Bodies Politick or Corporate, are of Right obliged to repair such decayed Bridges, and the Highways thereunto adjoining, but because the Inhabitants of the County, Riding, or Division, in which such decayed Bridge or Highways lie, have not been allowed, upon Informations or Indictments brought against such Person or Persons, Bodies Politick or Corporate, for not repairing such decayed Bridges, and the Highways thereunto adjoining, by the Judges before whom such Information or Indictment is to be tried, to be legal Witnesses; Be it enacted and declared, That in all Informations or Indictments to be brought and tried in any of her Majesty's Courts of Record at *Westminster*, or at the Assizes or Quarter Sessions of the Peace, the Evidence of the Inhabitants, being credible Persons, or any of them, of the Town, Corporation, County, Riding or Division, in which such decayed Bridge or Highway lies, shall be taken and admitted in all such Cases, in the Courts aforesaid; any Custom, Rule, Order, or Usage to the contrary notwithstanding.

Evidence of Inhabitants to be taken in Informations.

[XIV Wardens, &c. of Rochester Bridge to be chosen annually on Friday after Easter Week, and enjoy the same Power.]

### No. 3.

14 George II. c. 33.—An Act to supply some Defects in the Laws for repairing and rebuilding County Bridges, for repairing, enlarging, erecting, and providing Houses of Correction, and for passing Rogues and Vagabonds.

No. 3.  
14 George II.  
c. 33.

WHEREAS it does and may happen, that when County Bridges are to be rebuilt or repaired, a Piece or Parcel of Ground thereto adjoining may be of great Use

' or Service, either for enlarging such Bridges, or more commodiously rebuilding them : And whereas there is no Power given by the Laws in Being for the rebuilding or repairing of County Bridges to the Justices of the Peace, to purchase any such Pieces or Parcels of Ground : And whereas by an Act made in the thirteenth Year of the Reign of his present Majesty, intituled, *An Act for the amending and enforcing the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and for reducing the same into one Act of Parliament; and also for amending the Laws for erecting, providing, and regulating Houses of Correction; it is (amongst other Things) enacted, That upon the Presentment of the Grand Jury at the Assizes, Great Session, or General Gaol Delivery, held for any County or Liberty, that there is no House of Correction, and that it will be necessary to provide one or more House or Houses of Correction in such County or Liberty, or that the House or Houses of Correction in any such County or Liberty, is or are not sufficient, and want to be enlarged; the Justices of the Peace at their General or Quarter Sessions shall have Power to build, erect, or enlarge one or more fit or convenient House or Houses of Correction, or to purchase one or more convenient House or Houses for that Purpose, or to purchase Land to erect such House or Houses of Correction upon, and to make a convenient Backside or Backsides, Outlet or Outlets thereto : And whereas in some Counties and Liberties, where it is necessary to have a House or Houses of Correction, there is or may be no Assize, Great Session, or General Gaol Delivery, and in consequence there can be no Presentment of such Grand Jury, so that in such Cases the said Act is rendered ineffectual : Therefore for the better repairing and rebuilding County Bridges, and for supplying the Defects of the said recited Acts, so far as the same relates to the repairing, enlarging, building, and providing Houses of Correction, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of June one thousand seven hundred and forty-one, the Justices of the Peace of any County, City, Riding, Liberty or Division, at their General Sessions, or General Quarter Sessions assembled, or the major Part of them, shall have Power, and are hereby authorized, to purchase of, or agree or contract with, any Person or Persons, Bodies Politick or Corporate, for any Piece or Parcel of Land, adjoining or near to any County Bridge within the Limits of their respective Commissions, for the more commodious enlarging or convenient rebuilding the same ; (1.) which Pieces or Parcels of Land shall not exceed one Acre in the Whole for any such Bridge, and shall from Time to Time be paid for by the respective County Treasurers.*

No. 3.  
 14 George II.  
 c. 33.

13 Geo II.  
 c. 24.

Justices at  
 Quarter Sessions  
 may purchase  
 Lands to  
 build County  
 Bridges.

Concerning  
 Bridges, see  
 farther 29 Geo.  
 II. c. 40  
 31 Geo. II. c.  
 20.

(1.) This implicitly enables the Judges to alter the Position of Bridges :  
 Per Buller J. R. v. Justices of Glamorgan, 5 T. R. 283.



No. 3.  
14 George II.  
c. 33.

and have Power  
to enlarge  
Houses of Cor-  
rection.

pers out of any Monies raised or to be raised by virtue of an Act made in the twelfth Year of the Reign of his present Majesty, intituled, *An Act for the more easy assessing, collecting, and levying of County Rates*; such Treasurers being thereunto authorized, by Orders under the Hands and Seals of the respective Justices of the Peace at their General Sessions, or General Quarter Sessions, or the major Part of them; which Lands so purchased, shall be conveyed to such Person or Persons as the said Justices of the Peace at their General Sessions, or General Quarter Sessions, or the major Part of them shall respectively appoint, in Trust, and for the Uses and Purposes of enlarging or rebuilding such Bridges respectively.

II. And be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of June one thousand seven hundred and forty-one, the Justices of the Peace of any County, City, Riding, Liberty, or Division, at their General Sessions, or General Quarter-Sessions assembled, or the major Part of them, where there shall be no Assizes, Great Session, or General Gaol Delivery held, upon the Presentment of the Grand Jury to such Justices at their General Sessions, or General Quarter-Sessions, shall have as full Power and Authority to repair and enlarge any House or Houses of Correction already built, or to purchase any House or Houses for a House or Houses of Correction, or to build or erect any House or Houses of Correction, or to purchase Land to erect such House or Houses of Correction upon, and to make a convenient Backside or Backsides, Outlet or Outlets thereto, as if such Presentment had been made at the Assize, Great Session, or General Gaol Delivery, in such Manner as is directed, and by the same Ways and Means as are provided in and by the said recited Act made in the thirteenth Year of the Reign of his present Majesty; any Thing in the said Act contained to the contrary thereof in any wise notwithstanding.

39 Eliz. c. 17.  
1 Jac. I. c. 4.  
11 & 12 W. III.  
c. 18.  
1 Ann, stat. 2,  
c. 13.  
5 Ann, c. 32.  
6 Geo. I. c. 19.

III. And whereas it is enacted in and by the said Act made in the thirteenth Year of the Reign of his present Majesty, That the Justice or Justices of the Peace; who shall make any Pass for conveying any Rogue, Vagabond, or incorrigible Rogue, shall at the same Time cause to be delivered to the Constable a Certificate, ascertaining the Manner of conveying such Rogue, Vagabond, or incorrigible Rogue; and that when the Place to which the Person or Persons apprehended are to be sent, lies remote, and there be one or more Counties, Ridings, or Divisions intervening, the Constable or other Officer, to whom such Pass and Certificate shall be given, shall forthwith cause the Person or Persons therein named to be conveyed to the next House of Correction in the same County, Riding, or Division, where he or they shall dwell: And whereas it has been sometimes found inconvenient, and has created an extraordinary Expence, to send the Person or Persons apprehended, who was or were to be immediately passed to some distant County, Riding, or Division, by such Justice or Justices, to the House of Correction in the same County, Riding, or Division, where he or they dwell, such House of

' Correction often lying out of the direct Way to the Place where such Person or Persons was or were to be passed;' No. 3.  
 For Remedy whereof, be it further enacted by the Authority 14 George II.  
 aforesaid, That from and after the said twenty-fourth Day of c. 33.  
*June* one thousand seven hundred and forty-one, it shall and Justices may  
 may be lawful for any Justice or Justices of the Peace, to send send Vagabonds  
 any Person or Persons who shall be apprehended as a Rogue, to the most convenient House  
 Vagabond, or incorrigible Rogue, to the House of Correction, of Correction,  
 in the County, Riding, or Division, where he or they dwell, &c.  
 or to any other House of Correction in the same County, Farther concerning Va-  
 Riding, or Division, as shall be most convenient for the passing grants, see  
 such Person or Persons; any Thing in the said Act contained 17 Geo II c. 5.  
 to the contrary thereof in any wise notwithstanding. 25 Geo II c. 36—26 Geo. II. c. 34.

## No. 4.

43 George III. c. 59.—An Act for remedying certain Defects in the Laws relative to the building and repairing of County Bridges, and other Works maintained at the Expence of the Inhabitants of Counties in *England*.—[24th, *June* 1803.]

' WHEREAS the Inhabitants of Counties in that Part No. 4.  
 of the United Kingdom called *England*, are by 43 Geo. III.  
 Law bound to repair, support, and maintain the publick c. 59.  
 Bridges, commonly called *County Bridges*, within such  
 Counties respectively, and the Roads at each of the Ends  
 thereof for limited Distances; but the Laws empowering  
 them so to do are insufficient and defective: And whereas  
 Doubts have arisen how far the said Inhabitants are liable to  
 improve such Bridges when they are not sufficiently common-  
 dious for the Public; for Remedy thereof, be it enacted by  
 the King's most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons,  
 in this present Parliament assembled, and by the Authority of  
 the same, That it shall be lawful to and for the Surveyor  
 of Bridges and other publick Works, in each and every County  
 respectively within that Part of the United Kingdom called  
*England*, appointed or to be appointed by the Justices at any  
 General Quarter Sessions of the Peace to be holden, for such  
 County, and the said Surveyor is hereby authorized and  
 empowered to search for, take, and carry away Gravel, Stone,  
 Sand, and other Materials, for the Repair of such Bridges and  
 Roads at the Ends thereof, as the Inhabitants of Counties are  
 bound to repair, and to remove Obstructions and Annoyances  
 from such Bridges and Roads, in such the and same Manner as  
 the Surveyor or Surveyors of any Common Highway within this  
 Kingdom is or are, by an Act made and passed in the thirteenth  
 Year of the Reign of his present Majesty, intituled, *An Act to*  
*explain, amend, and reduce into one Act of Parliament the Sta-*

Surveyors of  
 County Bridges,  
 &c. in England,  
 empowered to  
 get Materials  
 for the Repair  
 of Bridges, in  
 the same Man-  
 ner as Survey-  
 ors of High-  
 ways under 13  
 Geo. III. c. 78.

No. 4. *tutes now in being for the Amendment and Preservation of publick*  
 43 George III. *Highways within that Part of Great Britain called England,*  
 c. 59. *and for other Purposes, authorized to do; and the several Powers and Authorities thereby vested in the Surveyor or Surveyors of Highways, as well for the getting of Materials as the preventing and removing of all Nuisances and Annoyances from such Bridges and Roads, shall be and the same are hereby vested in the Surveyor and Surveyors of County Bridges, and the Roads at the Ends thereof as aforesaid; and the several Penalties, Forfeitures, Matters, and Things in the said Act contained, relating to Highways, shall be and the same are hereby extended and applied, as far as the same are applicable, to such Bridges, and the Roads at the Ends thereof as aforesaid, as fully and effectually as if the same and every Part thereof were herein repeated and re-enacted; the said Surveyor or Surveyors making Satisfaction and Compensation for all Trespass and Damage done in the Execution of the Powers of this Act, in such and the same Manner as the Surveyors of Highways are required to make in and by the said abovementioned Act of the thirteenth Year of the Reign of his present Majesty.*

Quarter Sessions may widen and improve, or alter the Situation of County Bridges, &c.

II. And be it further enacted, That where any Bridge or Bridges, or Roads at the Ends thereof, repaired at the Expence of any County, shall be narrow and incommodious, it shall and may be lawful to and for the said Justices, at any of their General Quarter Sessions, to order and direct such Bridge or Bridges, and Roads, to be widened, improved, and made commodious for the Publick; and that where any Bridge or Bridges, repaired at the Expence of any County, shall be so much in Decay as to render the taking the same wholly down necessary or expedient, it shall and may be lawful to and for the said Justices, at any of their said General Quarter Sessions, to order and direct the same to be rebuilt, either on the old Scite or Situation, or on any new one more convenient to the Publick, contiguous to or within two hundred Yards of the former one, as to such Justices shall seem meet; and if, for the Purpose of altering the Situation, or of widening or enlarging any such Bridge or Bridges, Road or Roads as aforesaid, it shall be necessary to purchase any Land or Ground, it shall and may be lawful for such County Surveyor or Surveyors, by and under the Direction of such Justices at their General Quarter Sessions as aforesaid, to set out and ascertain the same, not exceeding in the Whole one Acre at any one such Bridge as aforesaid, and to contract and agree with the Owner or Owners of such Land, and Persons interested therein, for the Purchase thereof, either by a Sum in Gross, or by an annual Rent, at the option of such Owner or Owners; and if the said Surveyor or Surveyors cannot agree with the said Owner or Owners for the Purchase thereof, or the Recompence to be made for the same, or, by reason of such Owner or Owners not being to be found, shall be prevented from treating, then and in every such Case the said Justices in their General Quarter Sessions shall impanel

a Jury, and assess the Compensation and Satisfaction for such Land, and for the Trespass and Damage to be done by the Execution of the Powers of this Act, in the same Manner as they are authorized and empowered to do by the said above-mentioned Act of the thirteenth Year of the Reign of his present Majesty, in Relation to Highways; and all and every the Clauses, Powers, Provisions, Exemptions, Penalties, Matters and Things in the said Act contained, as well with respect to impannelling Juries, examining and swearing Witnesses, Payments of Expences, enabling Bodies Politick, Corporate, and Collegiate, and other incapacitated Persons, to sell and convey, and all other the Powers and Provisions of the said Acts, shall be, and the same are hereby extended and applied to the Works by this Act authorized to be done and performed, as far as the same are applicable, as fully and effectually, to all Intents and Purposes, as if the same were herein particularly repeated and re-enacted; provided that no Money shall be applied to the Amendment or Alteration of any such Bridge or Bridges, until Presentment shall have been made of the Insufficiency, Inconveniency, or Want of Reparation of such Bridge or Bridges, in pursuance of some or one of the Statutes made and now in Force concerning publick Bridges.

No. 4.  
George III.  
c. 59.

on Presentment  
of Insufficiency,  
&c.

III. And be it further enacted, That the Right and Property of all Tools, Implements, Timber, Bricks, Stones, Gravel, and other Materials, purchased, gotten, or had, or to be purchased, gotten, or had, by or by the Order of Justices in Counties, or the Surveyor of County Bridges for the Time being, or in any Respect belonging to such Counties, shall be, and the same are hereby vested in such Surveyor for the Time being, in whom upon any Action or Indictment being commenced or prosecuted, such Property may be laid.

Tools and Ma-  
terials provided  
by the Quarter  
Sessions vested  
in the Survey-  
or.

IV. And be it further enacted, That the Inhabitants of Counties shall and may sue for any Damages done to Bridges and other Works maintained and repaired at the Expence of such Counties respectively, and for the recovering of any Property belonging to such Counties, in the Name of their Surveyor, and also shall and may be sued in the Name of such Surveyor; and no Action or Prosecution to be brought or commenced by or against the Inhabitants of Counties, by virtue of this Act, in the Name of the said Surveyor, shall abate or be discontinued by the Death or Removal of such Surveyor, or by the Act of the Surveyor, without the Consent of the Justices at their General Quarter Sessions assembled, but the Surveyor for the Time being shall be deemed the Plaintiff or Defendant in such Actions, as the Case may be: Provided always, that every such Surveyor in whose Name any Action or Suit shall be commenced, prosecuted or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies in the Hands of the Treasurer of the publick Stock of such County respectively, all such Costs and Charges as he shall be put unto or become chargeable with by reason of his being so made

Inhabitants of  
Counties may  
sue for Dam-  
ages done to  
Bridges, in the  
Name of the  
Surveyor.

- No. 4. Plaintiff or Defendant therein; and also all the Costs and  
 43 George III. Charges of prosecuting any Indictment or Indictments, or  
 c. 59. other Proceedings, against any Person or Persons whomsoever.

What Sort of  
 Bridges Inha-  
 bitants of Coun-  
 ties shall be lia-  
 ble to repair.

V. And, for the more clearly ascertaining the Description of Bridges hereafter to be erected, which Inhabitants of Counties shall and may be bound or liable to repair and maintain; be it further enacted, That no Bridge hereafter to be erected or built in any County, by or at the Expence of any Individual or private Person or Persons, Body Politick or Corporate, shall be deemed or taken to be a County Bridge, or a Bridge which the Inhabitants of any County shall be compellable or liable to maintain or repair, unless such Bridge shall be erected in a substantial and commodious Manner, under the Direction or to the Satisfaction of the County Surveyor, or Person appointed by the Justices of the Peace at their General Quarter Sessions assembled, or by the Justices of the Peace of the County of *Lancaster*, at their annual General Sessions; and which Surveyor, or Person so appointed, is hereby required to superintend and inspect the Erection of such Bridge, when thereunto requested by the Party or Parties desirous of erecting the same; and in case the said Party or Parties shall be dissatisfied, the Matter shall be determined by the said Justices respectively at their next General Quarter Sessions, or at their annual General Sessions in the County of *Lancaster*.

Orders re-  
 specting County  
 Bridge in the  
 County of York  
 shall be made at  
 the Easter Ses-  
 sions.

VI. And be it further enacted, That all Orders and Proceedings made and had within the County of *York*, relative to County Bridges, shall in future be made and had by the Justices of the respective Ridings, assembled at the annual and General Quarter Sessions of the Peace holden the first whole Week after *Easter*, and at no other Sessions whatever within such Ridings, except at such Adjournment as shall be made at the above annual and General Quarter Sessions so holden as aforesaid, for the express Purpose of carrying such Orders made as aforesaid into Effect: Provided nevertheless, that it shall and may be lawful for any two Justices of the said Ridings respectively, in Cases of Emergency, to give such Orders for making temporary Bridges, or such temporary Repairs as shall be necessary for the temporary Accommodation of the Publick.

Act shall not  
 extend to Brid-  
 ges repaired by  
 Tenure.

VII. Provided always, and be it further enacted, That nothing herein contained shall extend to any Bridges or Roads which any Person or Persons, Bodies Politick or Corporate, is, are or shall be liable to maintain or repair by Reason of Tenure, or by Prescription, or to alter or affect the Right to repair such Bridges or Roads.

“Publick Act, § 8.”

## No. 5.

52 George III. c. 110. — An Act for amending an Act passed in the Twelfth Year of His late Majesty King George the Second, intituled *An Act for the more easy assessing, collecting and levying of County Rates*; and for the remedying certain Defects in the Laws relating to the repairing of County Bridges and other Works maintained at the Expence of the Inhabitants of Counties in England. — [9th. July 1812.]

WHEREAS by an Act passed in the Twelfth Year of His late Majesty King George the Second, intituled *An Act for the more easy assessing, collecting and levying of County Rates*, (1.) it is enacted, that no Part of the Money to be raised and collected in pursuance of this Act shall be applied to the Repair of any Bridges, Gaols, Prisons or Houses of Correction, until Presentments be made by the respective Grand Juries at the Assize, Great Sessions, General Gaol Delivery or General or Quarter Sessions of the Peace, held for any County, Riding, Division, City, Town Corporate or Liberty, of the Insufficiency, Inconvenience, or Want of Reparation of their Bridges, Gaols, Prisons or Houses of Correction; and it is further enacted, that, from and after the First Day of June One thousand seven hundred and thirty nine, when any Public Bridges, Ramparts, Banks or Cops, or other Works, are to be repaired at the Expence of any County, City, Riding, Hundred, Division, Liberty or Town Corporate, it shall and may be lawful to and for the Justices of the Peace at their General or Quarter Sessions respectively, or the greater Part of them then and there assembled, if they think proper and convenient, after Presentment to be made as aforesaid of the Want of Reparation of such Bridges, Ramparts, Banks or Cops, to contract and agree with any Person or Persons for rebuilding, repairing and amending of such Bridges, Ramparts, Banks or Cops, as shall be within their respective Counties, Cities, Ridings, Hundreds, Divisions, Liberties or Towns Corporate, and all other Works which are to be repaired and done by Assent on the respective Counties, Cities, Ridings, Hundreds, Divisions, Liberties or Towns Corporate, for any Term or Terms of Years not exceeding Seven Years, at a certain annual Sum, Payment or Allowance for the same, such Contractor or Contractors giving sufficient Security for the due Performance thereof to the respective Clerk of the Peace for the Time being, or the Town Clerk, High Bailiff or Chief Officer of any City, Town Corporate or Liberty; and that such Justices at their respective General or Quarter Sessions shall give public Notice of their Intention of contracting

No. 5.

52 George III.

c. 110.

12 G II. c. 29.

§ 13.

§ 14

(1) Inverted post Title COUNTY RATES.

No. 5. ' with any Person or Persons for rebuilding, repairing and  
 52 George III. ' amending the Bridges, Ramparts, Banks or Cops, and other  
 c. 110. ' Works aforesaid, and that such Contracts shall be made  
 ' at the most reasonable Price or Prices which shall be proposed  
 ' by such Contractors respectively; and that all Contracts  
 ' when agreed to, and all Orders relating thereto, shall be  
 ' entered in a Book to be kept by the respective Clerk of  
 ' the Peace for the Time being, or the Town Clerk, High  
 ' Bailiff or Chief Officer of any City, Town Corporate or  
 ' Liberty, for that Purpose, who is and are hereby required to  
 ' keep them amongst the Records of such County, City, Town  
 ' Corporate or Liberty, to be from Time to Time inspected  
 ' at all seasonable Times by any of the said Justices within the  
 ' Limits of their Commissions, and by any Person or Persons  
 ' employed or to be employed by any Parish, Township or  
 ' Place contributing to the Purposes of this Act, without Fee or  
 ' Reward: And whereas great Expence in the Repairs of  
 ' County Bridges, Ramparts, Banks, Cops and other Works  
 ' appertaining to the same, and of the Roads over the same,  
 ' and of so much of the Roads at the Ends thereof as by Law  
 ' is to be repaired at the Expence of any County, Riding,  
 ' Hundred, Division, Liberty or Town Corporate, and great  
 ' Inconvenience to the Public may be often in a great Measure  
 ' prevented by the timely and immediate Repair of any incon-  
 ' siderable Damage, Injury, Defect or sudden Want of Repair  
 ' or Amendment of the same, without the Delay which must  
 ' generally arise from the Necessity imposed by the aforesaid  
 ' Act, of a Presentment by the Grand Jury at the Assize,  
 ' Great Sessions or General or Quarter Sessions of the Peace  
 ' held for any County, City, Riding, Division, Town Cor-  
 ' porate or Liberty, of the Want of Reparation of the same;  
 ' by means of which Delay the aforesaid Want of Repair is  
 ' often very much increased, to the great Expence of the  
 ' County, and great Inconvenience of the Public: And  
 ' whereas it is also expedient that the Justices of the Peace  
 ' of any County, City, Riding, Division, Town Corporate or  
 ' Liberty, at their General Quarter Sessions respectively,  
 ' before any Presentment shall have been made as aforesaid,  
 ' as directed by the aforesaid Act, of the Want of Repair  
 ' of such Roads, should be enabled without any such Present-  
 ' ment to contract and agree with certain Persons hereinafter  
 ' mentioned, for the repairing and amending of the same;  
 ' and also for keeping the same in Repair when so repaired and  
 ' amended: Be it therefore enacted by the King's Most  
 ' Excellent Majesty, by and with the Advice and Consent of  
 ' the Lords Spiritual and Temporal, and Commons, in this  
 ' present Parliament assembled, and by the Authority of the  
 ' same, That, from and after the First Day of July One thousand  
 ' eight hundred and twelve, it shall and may be lawful for the  
 ' Justices of the Peace of any County, City, Riding, Division,  
 ' Town Corporate or Liberty, at their General Quarter Sessions  
 ' or Great Sessions respectively, to be holden in the Week

Quarter Ses-  
 sions may ap-  
 point Justices to  
 superintend  
 Repairs.

next after the Clause of *Easter*, or the greater Part of them then and there assembled, to appoint annually Two or more Justices of the Peace acting in and for any Division of Justices in such County, City, Riding, Division, Town Corporate or Liberty, in or near which any such County Bridge, or any Bridge which is in Part a County Bridge, Ramparts, Banks, Cops or other Works appertaining to the same, or any Part or Parts thereof, or the Roads over the same, or so much of the Roads at the Ends thereof as by Law is to be repaired at the Expence of any County, City, Riding, Division, Town Corporate or Liberty, shall be situate, to superintend the same, and whenever it shall appear on their own Inspection to be necessary for the Purpose of preventing the further Decay and Injury of the same, to order any immediate Repairs or Amendments to be done to the same or to any Part thereof; but it shall and may be lawful for any Two such Justices so to be appointed as aforesaid, and any Two such Justices are hereby empowered by a written Order signed by their Hands respectively, to order such immediate Repairs to be done by such Person or Persons as to them shall seem fit and proper: Provided, that in no case the Sum to be expended by them in such Repairs shall exceed the Sum of Twenty Pounds; and further, that such Appointments of such Justices as aforesaid shall remain in force until One Week after the following *Easter Sessions* respectively; and that in case of the Death of, or Removal of, or Refusal to act by any such Justice or Justices so appointed as aforesaid, the said Court of General or Quarter Sessions or Great Sessions may at any other of the Four Quarterly Sessions appoint any other Justice or Justices to act for the Remainder of the then Current Year, in the Place of any such Justice or Justices so dying, removing or refusing to act as aforesaid:

No. 5.  
George III.  
c. 110.

Expenditure.

Justices to remain in Office for One Year.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the Peace of any County, City, Riding, Division, Town Corporate or Liberty, at the General Quarter Sessions or Great Sessions which shall next happen after such Repairs so ordered to be made by such Justices so appointed as aforesaid shall be completed, or the greater Part of them then and there assembled, to order the Payment of such Sum or Sums of Money, not exceeding ten Pounds, as shall be sufficient to pay for such Repairs, to be made out of the County Rate, to such Person or Persons who shall have so repaired the same by such Order of such Justices as aforesaid, although no Presentment shall have been made by any Grand Jury at the Assize, Great Sessions or General Quarter Sessions of the Peace of any County, City, Riding, Division, Town Corporate or Liberty in which such Repairs shall have been done, of the Want of such Reparation as by the said Act of the twelfth year of his late Majesty King George the Second, above recited, was directed: Provided nevertheless, that before such Payment be ordered to be made as aforesaid, a Certificate be returned to such Justices of the Peace so assem-

Quarter Sessions to order Payment for Repairs.



No. 5. *bleed at such last mentioned Sessions, signed by two at the least*  
 52 George III. of such Justices so appointed, as aforesaid, who shall have so  
 c. 110. ordered such Repairs as aforesaid, stating the Nature of such  
 Certificate Repairs; and the Defects, Damage or Injuries, which they had  
 signed by One so ordered to be repaired, and their Reason for so ordering  
 Justice. such immediate Repairs as aforesaid: Provided also that such  
 Justices of the Peace, so assembled as last aforesaid; be satisfied  
 by the Parties concerned, that the Charges so made by them for  
 such Repairs are reasonable and just.

Justices at Ses-  
 sions may ap-  
 point Two Jus-  
 tices before  
 Easter Sessions.

III. Provided always, and be it enacted, That from and  
 after the first Day of July one thousand eight hundred and  
 twelve, it shall and may be lawful for the Justices of the  
 Peace of any County, City, Riding, Division, Town Corpor-  
 ate or Liberty, at any General Quarter Sessions or Great Ses-  
 sions respectively to be holden in any such County, City,  
 Riding, Division, Town Corporate, or Liberty, before the  
 General or Great Sessions which shall be holden in such  
 County, City, Riding, Division, Town Corporate or Liberty,  
 in the Week after the Clause of *Easter* next after the said first  
 Day of July, or the greater Part of them then and there assem-  
 bled, if they shall so think proper, to make such Appointment  
 or Appointments of Justices as they have been hereinbefore by  
 this Act authorized to make at any such *Easter* Sessions; and  
 such Appointment or Appointments shall be in Force until one  
 Week after the then next *Easter* Sessions.

Provisions of  
 Easter appoint-  
 ment to apply.

IV. And it is hereby further enacted, That in case of any  
 such Appointment or Appointments being made as are herein  
 lastly mentioned and authorized by this Act, all the Provisions,  
 Rules, Regulations, Powers, Directions and Authorities of this  
 Act, which are applicable in case of any Appointment or Ap-  
 pointments being made at any such *Easter* Sessions, shall apply  
 in the same Manner and in every Respect whatsoever, in case  
 of any such Appointment or Appointments being made, as are  
 hereby authorized at any such Sessions as shall be held before  
 the *Easter* Sessions which shall be held next after the said first  
 Day of July one thousand eight hundred and twelve.

Justices may  
 contract for Re-  
 pair of Bridges.

V. And be it further enacted by the Authority aforesaid,  
 That, from and after the first Day of July one thousand eight  
 hundred and twelve, it shall and may be lawful for the Justices  
 of the Peace, of any County, City, Riding, Division, Town  
 Corporate or Liberty, at their General Quarter Sessions res-  
 pectively, or the greater Part of them then and there assembled,  
 if they shall think proper and convenient, to contract and  
 agree with the Commissioner or Commissioners, Trustee or  
 Trustees of any Turnpike Road within the said County, City,  
 Riding, Division, Town Corporate or Liberty, or with their Sur-  
 veyor or Clerk, or with both their Surveyor and Clerk, or with  
 the Surveyor or Surveyors of the Highway of any Parish, Place  
 or Tything within the said County, City, Riding, Division,  
 Town Corporate or Liberty respectively, or with any other  
 Person or Persons for the maintaining and keeping in Repair,  
 Roads over any County Bridges, and of so much of the Roads

at the Ending thereof, as by Law is to be repaired at the Expence of any such County, City, Riding, Division, Town Corporate or Liberty, or any Part of the same, for any Term not exceeding seven Years, nor less than one, although no Presentment shall have been made as directed by the said recited Act of the twelfth Year of his late Majesty King George the Second, of the Insufficiency, Inconveniency, Decay or Want of Repair of the same; subject however to all the Rules, Restrictions, Regulations, Directions and Conditions, required by the above recited Act in case where the same shall have been presented or directed by that Act.

No. 5.

George III.  
c. 110.12 G. II. c. 29.  
§ 13.

## No. 6.

54 George III. c. 90.—An Act to explain and extend an Act, passed in the Forty-third Year of his present Majesty, intituled *An Act for remedying Defects in the Laws relative to the building and repairing of County Bridges, and other Works maintained at the Expence of the Inhabitants of Counties in England*; and for extending the said Act to Bridges and other Works maintained at the Expence of Hundreds.—  
[11th. July 1814.]

WHEREAS Doubts have been entertained whether the Power contained in an Act passed in the Forty-third Year of the Reign of His present Majesty, intituled *An Act for remedying certain Defects in the Laws relative to the building and repairing of County Bridges, and other Works maintained at the Expence of the Inhabitants of Counties in England*, for the purchasing of any Land or Ground, do extend to the Purchase of any Building or Buildings, or other Erections; For Remedy whereof, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Powers and Authorities in the said Act mentioned and contained for the Purchase of any Land or Ground for the Purposes of the said Act, shall extend and be deemed and construed, to extend to all such Building or Buildings, or other Erections, as may be necessary to be purchased for the Purposes of the said Act.

No. 6.

54 George III.  
c. 90.

43 G. 3. c. 59:

‘II. And whereas it is expedient that the Provisions of the said Act, as after mentioned, should be extended to Bridges repaired by the Inhabitants of Hundreds and other General Divisions of Counties;’ Be it further enacted, That the said Act and all the Powers and Provisions thereof (except such Provisions therein as relate to Bridges thereafter to be erected and built) shall extend as well to Bridges and the Roads at the Ends thereof repaired by the Inhabitants of Hundreds, and other General Divisions in the Nature of Hundreds, as to Bridges and the Roads at the Ends thereof repaired by the Inhabitants of Counties.

Extended to  
Purchase of  
Buildings, &c. as  
well as to Pur-  
chase of Land.Extended to  
Bridges, &c. re-  
paired by Hun-  
dreds or other  
Divisions of  
Counties

## PART VI. CLASS VII.

### CARRIERS.

#### No. 1.

19. 5 William and Mary c. 12.—An Act for the better repairing and amending the Highways, and for settling the Rates of Carriage of Goods.  
*Rep. by 13 Geo. III. 78, 84, as to Highways.*

No. 1: 3 Will. & Mary, c. 12: Justice once a Year to settle the Rates of Carriage.  
 XXIV. **A**ND whereas divers Waggoners and other Carriers, by Combination amongst themselves, have raised the Prices of Carriage of Goods in many Places to 'excessive Rates, to the great Injury of Trade;' be it therefore enacted by the Authority aforesaid, That the Justices of the Peace of every County and other Place within the Realm of England, or Dominion of Wales, shall have Power and Authority, and are hereby enjoined and required, at their next respective Quarter or General Sessions after *Easter Day* yearly, to assess and rate the Prices of all Land-carriage of Goods whatsoever, to be brought into any Place or Places within their respective Limits and Jurisdictions, by any common Waggoner or Carrier, and the Rates and Assessments so made, to certify to the several Mayors and other chief Officers of each respective Market Town within the Limits and Jurisdictions of such Justices of the Peace, to be hung up in some publick Place in every such Market Town, to which all Persons may resort for their Information; and that no such common Waggoner or Carrier shall take for Carriage of such Goods and Merchandizes above the Rates and Prices so set, upon Pain to forfeit for every such Offence the Sum of Five Pounds, to be levied by Distress and Sale of his and their Goods, by Warrant of any Two Justices of the Peace where such Waggoner or Carrier shall reside, in Manner aforesaid, to the Use of the Party grieved.

51. Penalty upon Carrier taking above the Rate.

## No. 2.

21 George II. c. 28. — An Act to explain and amend an Act passed in the fourteenth Year of his Majesty's Reign, intituled, *An Act for the Preservation of the Publick Roads in that Part of Great Britain called England*; and so much of an Act passed in the third Year of the Reign of King WILLIAM and Queen MARY, intituled, *An Act for the better repairing and amending the Highways; and for settling the Rates of the Carriage of Goods*, as relates to the settling the Rates of the Carriage of Goods.

D.

III. **A**ND whereas by an Act made and passed in the third Year of the Reign of King WILLIAM and Queen MARY, intituled, *An Act for the better repairing and amending the Highways, and for settling the Rates of Carriage of Goods*, it is enacted, That the Justices of the Peace of every County and other Place within the Realm of England, or Dominion of Wales, should have Power and Authority, and they were thereby enjoined and required, at their next respective Quarter-Session after Easter, yearly, to assess and rate the Prices of all Land Carriage of Goods whatsoever, to be brought into any Place within their respective Limits and Jurisdictions, by any common Waggoner or Carrier, to be certified and published in such Manner as is therein mentioned; and that no such common Waggoner or Carrier should take for the Carriage of such Goods or Merchandize, above the Rates and Prices so set, upon Pain to forfeit for every such Offence the Sum of five Pounds, to be levied and recovered as is by the said Act directed; And whereas no Rates for the Carriage of Goods, from distant Parts of the Kingdom to the City of London, and Places adjacent, have been yet settled, and several common Waggoners and Carriers have from thence taken Occasion to enhance the Price of Carriage of Goods to the Prejudice and Obstruction of Trade; Be it therefore further enacted by the Authority aforesaid, That if any common Waggoner or Carrier shall, after the tenth Day of June one thousand seven hundred and forty-eight, demand and take any greater Price for the bringing of Goods to the City of London, or to any Place within the Bills of Mortality, than is allowed and settled by the Justices of the Peace for the County or Place from whence such Goods are brought, for the carrying of Goods from London to the said County or Place, every such Carrier or Waggoner shall for every such Offence forfeit and pay the Sum or five Pounds, to the Use of the Party grieved, to be recovered and levied in the Manner by the last mentioned Act directed, or by Distress and Sale of his Goods, by Warrant under the Hands and Seals of any two Justices of the Peace for the Counties of Middlesex or Surrey, or City of London, City or

No. 2.  
21 George II:  
c. 28.

Penalty of  
Waggoners de-  
manding a  
greater Price  
for Carriage  
than allowed.

No. 2. and Liberty of *Westminster*; and the Clerk of the Peace for  
21 George II. every County and Place shall, immediately after *Easter Ses-*  
c. 28. sion yearly, certify to the Lord Mayor of the City of *London*,  
Clerk of the and also to the respective Clerks of the Peace for the Counties  
Peace to certify of *Middlesex* and *Surry*, and City and Liberty of *Westminster*,  
yearly the Rates the Rates and Assessments made for the Carriage of Goods in  
for Carriage. pursuance of the said Act, in their respective Counties and  
Places, which Certificate, or an attested Copy thereof, signed  
by the Officer to whom the same shall be so transmitted, shall be  
taken and deemed sufficient Evidence of the Rates and Prices  
set for the carrying of Goods to any County or Place.

## PART VI. CLASS VIII.

### COAL MINES.

39 and 40 George III. c. 77.—An Act for the Security of Collieries and Mines, and for the better Regulation of Colliers and Miners.

[See this Statute in Part V.]

## PART VI. CLASS IX.

### CONSTABLES.\*

#### No. 1.

27 George II. c. 3.—An Act for the better securing to Constables and others the Expences of conveying Offenders to Gaol; and for allowing the Charges of poor Persons bound to give Evidence against Felons.

**W**HEREAS by an Act passed in the Third Year of the Reign of King James the First, intituled, *An Act for the rating and levying of the Charges for conveying Malefactors and Offenders to the Gaol*; every Offender so to be conveyed shall bear the Charges of himself, and of those who convey him; and if he refuse so to do, his Goods within the same County may be distrained and sold to satisfy the same; and if he hath no Goods, the Constable, Churchwardens and other Inhabitants of the Parish where he was taken, shall make a Tax on every Inhabitant thereof to pay the said Charges: And whereas the taxing the Parish where such Offender was taken to pay such Charges, is a great Discouragement to Parishes to take Offenders; and it is also found by Experience to be very difficult to make a Rate

No. 1.  
27 George II.  
c. 3.  
1 Jac. I. c. 10

\* By St. 13 and 14 Ch. II. c. 12, the Justices in Session, in Case of the Death or Removal of a Constable, are empowered to appoint another — See the Statute post. Title Poor.

No. 1.  
27 George II.  
c. 3.

Offenders not  
having suffi-  
cient,

Justices to  
grant a Warrant  
on Treasurer of  
the County for  
Payment of the  
Chai

Part of 2 Ja.  
I, c. 10, repea-  
ed.

The Charges  
of Attendance  
to be allowed  
by the Court to  
poor Persons  
bound to give  
Evidence  
against Felons

61. to be paid  
to the Officer  
for making out  
the Order.

' on the Inhabitants to raise such Tax, whereby Constables  
' and others are often kept out of their Money by them  
' advanced for the Service of the Publick, and sometimes lose  
' the same, to their very great Injury and Vexation;' For  
Remedy whereof, Be it enacted by the King's most Excellent  
Majesty, by and with the Advice and Consent of the Lords  
Spiritual and Temporal, and Commons, in this present Parlia-  
ment assembled, and by the Authority of the same, That from  
and after the twenty-fourth day of June one thousand seven  
hundred and fifty-four, when any Person, not having Goods  
or Money within the County where he is taken, sufficient to  
bear the Charges of himself, and of those who convey him,  
is committed to Gaol or the House of Correction by Warrant  
from any Justice or Justices of the Peace, then, on Applica-  
tion by any Constable or other Officer who conveyed him,  
to any Justice of the Peace for the same County or Place, (1.)  
shall upon Oath examine into and ascertain the reasonable  
Expences to be allowed such Constable or other Officer, and  
shall forthwith, without Fee or Reward, by Warrant under his  
Hand and Seal, order the Treasurer of the County or Place to  
pay the same, which the said Treasurer is hereby required to  
do, as soon as he receives such Warrant; and any Sum so paid  
shall be allowed in his Accounts.

II. And be it further enacted by the Authority aforesaid,  
That from and after the said twenty-fourth Day of June so  
much of the above-mentioned Act passed in the third Year of  
King James the First, as relates to taxing the Parish where  
Offenders are taken, for defraying the Charges of conveying  
Offenders to Gaol, shall be repealed.

' III. And whereas the Expence as well as Loss of Time  
in attending Courts of Justice, is a Discouragement to the  
' poorer Sort to appear as Witnesses against Offenders, who  
' thereby escape the publick Justice, and the Punishment due  
' to their Crimes;' Be it further enacted by the Authority  
aforesaid, That from and after the said twenty-fourth Day of  
June, when any poor Person shall appear on Recognizance in  
any Court to give Evidence against another accused of any  
Grand or Petit Larceny, or other Felony, it shall and may be  
in the Power of the Court, at the Prayer and on the Oath of  
such Person, and on Consideration of his Circumstances, in  
open Court to order the Treasurer of the County or Place in  
which the Offence shall have been committed, to pay unto such  
Person such Sum of Money, as to the same Court shall seem  
reasonable for his Time, Trouble and Expence; which Order  
the proper Officer of such Court is hereby directed and required  
to make out, and to deliver unto such Person, upon being paid  
for the same the Sum of six Pence, and no more; and such  
Treasurer is hereby authorized and required, upon Delivery  
of such Order, forthwith to pay such Person, or other Person  
authorized to receive the same, such Sum of Money as afore-  
said, and shall be allowed the same in his Accounts.

(1.) The Words "Such Justice" are omitted in the Act.

IV. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That nothing in this Act contained shall extend to empower such Court, or any Justice or Justices of the Peace, to make Warrants or Orders on the Treasurer of the County of *Middlesex* for the Payment of the Expences of the Constable or other Officer in conveying any Person to Gaol, or for the Payment of any Person for his Time, Trouble and Expence, who shall appear on his Recognizance to give Evidence as aforesaid; but that within the said County of *Middlesex*, the Expences of the Constable or other Officer, occasioned by his conveying of any Person to Gaol by virtue of a Warrant from any Justice or Justices of the Peace, shall (after such Expences have been examined into upon Oath, and allowed by such Justice or Justices, and for which no Fee or Reward shall be taken) be paid by the Overseer or Overseers of the Poor of the Parish or Place where the said Person was apprehended, who is and are hereby authorized and required to pay the same; and the Sum or Sums so paid shall be allowed in his or their Accounts.

No. 1.

George 11.

c. 3.

In Middlesex  
the Overseers  
of the Poor to  
pay such  
Charges.

## No. 2.

18 George III. c. 19.—An Act for the Payment of Costs to Parties, on Complaints determined before Justices of the Peace out of Sessions; for the Payment of the Charges of Constables in certain Cases; and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny, or other Felony.

‘WHEREAS, by the Laws now in being, his Majesty’s Justices of the Peace are not sufficiently authorized, on Complaints that come before them out of Sessions, to award Costs against either the Person or Persons complaining, or the Person or Persons against whom any Complaint is made, as to Justice may appertain: May it please your Majesty that it may be enacted; and be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Complaint shall be made before any of his Majesty’s Justices of the Peace for any County, Riding, Division, City, Town Corporate, Franchise, or Liberty, and any Warrant or Summons shall issue in Consequence of such Complaint, that then it shall and may be lawful to and for any Justice or Justices of the Peace, who shall have heard and determined the Matter of the said Complaint, to award such Costs to be paid by either of the Parties, and in Manner and Form as to him or them shall seem fit, to the Party injured: And in case any Person, so ordered by the said Justice or Justices of the Peace to pay such Sums of Money as aforesaid, shall not forthwith pay down or give Security for the same to

No. 2.

18 George III  
c. 19.Justices, out  
of Session, im-  
powered to  
award Costs.



No. 2. the Satisfaction of the Justice or Justices, it shall and may be  
 18 George III. lawful for the said Justice or Justices, by Warrant under his  
 c. 19. Hand and Seal, or their Hands and Seals, to levy the said  
 Same may be levied by Dis- Sum or Sums by Distress and Sale of the Goods and Chattels  
 tress. of such Person so refusing or neglecting; and where Goods  
 and Chattels of such Person cannot be found, to commit such  
 Person to the House of Correction, for the County, Riding,  
 Division, City, Town Corporate, Franchise, or Liberty, where-  
 in such Person shall reside, there to be kept to hard Labour  
 for any Time not exceeding one Month, nor less than ten Days,  
 or until such Sum or Sums of Money, together with the Ex-  
 pences attending the Commitment of such Person to such  
 House of Correction, be first paid.

If Penalty  
 amount to 5l.  
 Costs shall be  
 deducted there-  
 out, &c.

II. Provided nevertheless, That upon the Conviction of  
 any Person or Persons upon any penal Statute or Statutes,  
 where the Penalty or Penalties shall amount to or exceed the  
 Sum of five Pounds, the said Costs shall be deducted by the  
 said Justice or Justices, according to his or their Discretion,  
 out of the said Penalty or Penalties, so that the said Deduction  
 shall not exceed one fifth Part of the said Penalty or Penalties;  
 and the Remainder of the said Penalty or Penalties shall be  
 paid to, or divided among, the Person or Persons who would  
 have been entitled to the Whole of the Penalty or Penalties in  
 case this Act had not been made.

Forms to be  
 used.

III. And be it further enacted by the Authority aforesaid,  
 That the several Forms to this Act annexed shall and may in  
 the respective Cases be used and observed.

Constables,  
 &c. shall, every  
 three Months,  
 deliver to the  
 Overseers an  
 Account of Mo-  
 ney by them  
 expended or re-  
 ceived, &c.

IV. And whereas Constables, Headboroughs, and Tith-  
 ingmen, are or may be at great Charge in doing the Busi-  
 ness of their Parish, Township or Place, and in many Cases  
 are not sufficiently indemnified by the Laws; be it therefore  
 enacted by the Authority aforesaid, That every Constable,  
 Headborough, or Tithingman, shall every three Months, and  
 within fourteen Days after he shall go out of such Office, deliver  
 to the Overseers of the Poor of the said Parish, Township or  
 Place, for the Time being, a just Account in Writing, fairly  
 entered in a Book to be kept for that Purpose, and signed by  
 him, of all Sums so by him expended on Account of the said  
 Parish, Township, or Place, in all Cases not hitherto provided  
 for by the Laws heretofore made, or by this Act, and also of all  
 Sums received by him on the Account of the said Parish, Town-  
 ship, or Place; and the said Overseers of the Poor, or their  
 Successors, shall, within the next fourteen Days after the said  
 Account or Accounts shall be so delivered, lay the same before  
 the Inhabitants of the said Parish, Township, or Place; and  
 in case the said Account or Accounts be approved of by the  
 Majority of such Inhabitants, the Overseers of the Poor of the  
 said Parish, Township, or Place, for the Time being, are  
 hereby authorized and required to pay out of the Poor Rates,  
 made or to be made, for such Parish, Township, or Place, such  
 Sum or Sums of Money as shall appear to be due on the said  
 Account or Accounts; but in case the said Account or Accounts,

or any Part thereof, shall be disallowed, then the said Overseers of the Poor for the Time being shall then deliver back to the said Constable, Headborough, or Tithingman, such Book of Accounts; and it shall and may be lawful to and for the said Constable, Headborough, or Tithingman, then to produce the said Book before any one or more of his Majesty's Justices of the Peace in and for the County, Riding, Division, City, Town Corporate, Franchise, or Liberty, wherein such Parish or Township shall be situate, giving reasonable Notice thereof to the Overseers of the Poor of the said Parish, Township, or Place, for the Time being; which said Justice or Justices is and are hereby authorized to examine the same, and to hear and determine any Objection or Objections that shall be made to the said Accounts, and to settle the Sum which to him or them shall appear due on the said Account, and to enter the same in the said Account, and to sign his or their Name or Names thereto; and the Overseers of the Poor of the said Parish, Township, or Place, for the Time being, are hereby authorized and required to pay the said Sum, out of the Money which shall come to their Hands by virtue of any Rate or Assessment made or to be made for the Relief of the Poor.

V. Provided nevertheless, that in case the Overseer or Overseers of the Poor of the said Parish, Township or Place, for the Time being, shall find that the said Parish, Township, or Place, is aggrieved by any Neglect, Act, or Thing done, omitted, by the said Constable, Headborough, or Tithingman, or by any of his Majesty's Justices of the Peace, or shall have any material Objection to such Account, or any Part thereof, or to such Determination as aforesaid, it shall and may be lawful for such Overseer or Overseers, in any of the Cases aforesaid, giving reasonable Notice to the said Justice, Constable, Headborough, or Tithingman, to appeal to the next General or Quarter Sessions of the Peace for the County, Riding, Division, City, Town Corporate, Franchise, or Liberty, where such Parish, Township, or Place lies; and the Justices of the Peace there assembled are hereby authorized and required to receive such Appeal, and to hear and finally determine the same; but if it shall appear to the said Justices, that reasonable Notice was not given, then they shall adjourn the said Appeal to the next Quarter Sessions, and then and there finally hear and determine the same; and the said Justices may award and order, to the Party for whom such Appeal shall be determined, reasonable Costs, in the same Manner that they are empowered to do in case of Appeals concerning the Settlement of poor Persons, by an Act made in the eighth and ninth Years of King William the Third, intituled, *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom.*

VI. Provided always, That in all Corporations or Liberties which have not four Justices of the Peace, it shall and may be lawful for the Overseer or Overseers of the Poor of Parish, Township, or Place, for the Time being, where

No. 2.  
18 George III.  
c. 19.

If any such Account be disallowed, a Justice may settle the same.

Appeal.

Proviso relating to Corporations, &c.

No. 2. an Appeal is given by this Act, to appeal, if he or they shall  
 18 George III. think fit, to the next General or Quarter Sessions of the Peace  
 c. 19. for the County, Riding, or Division wherein such Corpora-  
 tion or Liberty is situate.

‘ VII. And whereas by an Act passed in the twenty-fifth  
 25 Geo. II. ‘ Year of his late Majesty King George the Second, intituled,  
 ‘ *An Act for the better preventing Thefts and Robberies, and for*  
 ‘ *regulating Places of publick Entertainment, and punishing Per-*  
 ‘ *sons keeping disorderly Houses;* it was recited, That whereas  
 ‘ many Persons are deterred from prosecuting Persons guilty of  
 ‘ Felony, upon account of the Expence attending such Prose-  
 ‘ cutions, which is a Cause of the Encouragement of Thefts;  
 ‘ and it was therein, among other Things, enacted, That it  
 ‘ should and might be in the Power of the Court before whom  
 ‘ any Person has been tried and convicted of any Grand or  
 ‘ Petit Larceny, or other Felony, at the Prayer of the Prosecu-  
 ‘ tor, and on Consideration of his Circumstances, to order the  
 ‘ Treasurer of the County in which the Offence shall have been  
 ‘ committed, to pay unto such Prosecutor such Sum of Money  
 ‘ as to the said Court shall seem reasonable, not exceeding the  
 ‘ Expences which it shall appear to the Court the Prosecutor  
 ‘ was put unto in carrying on such Prosecution, making him a  
 ‘ reasonable Allowance for his Time and Trouble therein; which  
 ‘ Order the Clerk of Assize, or Clerk of the Peace respectively,  
 ‘ was thereby directed and required forthwith to make out, and  
 ‘ deliver unto such Prosecutor, upon being paid for the same  
 ‘ the Sum of one Shilling, and no more: And whereas by an  
 27 George II. ‘ Act passed in the twenty-seventh Year of his late Majesty  
 ‘ King George the Second, reciting, That the Expence as well  
 ‘ as Loss of Time in attending Courts of Justice, is a Discou-  
 ‘ ragement to the poorer Sort to appear as Witnesses against  
 ‘ Offenders, who thereby escape the publick Justice, and the  
 ‘ Punishment due to their Crimes; it was enacted, That when  
 ‘ any poor Person shall appear on Recognizance in any Court, to  
 ‘ give Evidence against another accused of any Grand or Petit  
 ‘ Larceny, or other Felony, it should and might be in the Power  
 ‘ of the Court, at the Prayer and on the Oath of such Person,  
 ‘ and on Consideration of his Circumstances, in open Court to  
 ‘ pay unto such Person such Sum of Money as to the said Court  
 ‘ shall seem reasonable, for his Time, Trouble and Expence;  
 ‘ which Order the proper Officer of such Court is required to  
 ‘ make out and deliver to such Person, upon being paid for  
 ‘ the same the Sum of Sixpence, and no more: And whereas  
 ‘ the said recited Acts of the twenty-fifth and twenty-seventh  
 ‘ Years of his late Majesty King George the Second, have  
 ‘ been a great Encouragement towards bringing Offenders  
 ‘ to Justice, in all such Cases as are within the Purview of  
 ‘ the said Statutes; but nevertheless, it has been found by  
 ‘ Experience, that the said herein-before recited Statute of  
 ‘ the twenty-seventh Year of his said late Majesty, with regard  
 ‘ to Persons appearing on Recognizance in any Court to give  
 ‘ Evidence as aforesaid, extends only to poor Persons, such

' Court also considering their Circumstances ; and also does  
 ' not extend to Persons appearing on Subpœna to give Evi-  
 ' dence : And whereas the said Act of the twenty-fifth Year  
 ' of his said late Majesty, with regard to Prosecutors, directs  
 ' the Court to consider the Circumstances of such Prosecutor,  
 ' and also gives<sup>18</sup> him Relief only where the Offender is con-  
 ' victed : And whereas it is just and reasonable, and may tend  
 ' in future to the Prevention of Crimes, or to the due Prosecu-  
 ' tion of all Offenders against the Laws, that every Prosecutor  
 ' to Conviction, and every Person so appearing on Recogni-  
 ' zance or Subpœna to give Evidence, should be allowed his  
 ' reasonable Expences, and also, in case he be poor, a rea-  
 ' sonable Satisfaction for his Trouble and Loss of Time ;  
 ' and that such Allowance should be made to Prosecutors  
 ' as aforesaid, even though the Person so accused be acquit-  
 ' ted, provided it shall appear to such Court, before whom  
 ' the said Prisoner shall have been tried, that there was a rea-  
 ' sonable Ground of Prosecution, and that the Prosecutor hath  
 ' *bona fide* prosecuted ;' be it further enacted by the Authority  
 ' aforesaid, That from and after the passing of this Act, it shall  
 ' and may be in the Power of the Court before whom any Per-  
 ' son has been tried and convicted of any Grand or Petit Lar-  
 ' ceny, or other Felony; or before whom any Person has been  
 ' tried and acquitted of any Grand or Petit Larceny, or other  
 ' Felony, in case it shall appear to the said Court that there  
 ' was a reasonable Ground of Prosecution, and that the said  
 ' Prosecutor hath *bona fide* prosecuted, to order, upon Prayer of  
 ' the said Prosecutor, the Treasurer of the County, Riding, or  
 ' Division, in which the Offence shall have been committed, or  
 ' shall have been supposed to have been committed, to pay unto  
 ' such Prosecutor such Sum of Money as to the said Court shall  
 ' seem reasonable, not exceeding the Expences which it shall ap-  
 ' pear to the Court the Prosecutor was *bona fide* put unto in carry-  
 ' ing on such Prosecution, making, in case the said Prosecutor  
 ' shall appear to the Court to be in poor Circumstances, a reason-  
 ' able Allowance to such Prosecutor for Trouble and Loss of  
 ' Time; which Order the Clerk of Assize, or Clerk of the Peace,  
 ' respectively, is hereby directed and required forthwith to make  
 ' out and deliver unto such Prosecutor, upon being paid for the  
 ' same the Sum of one Shilling, and no more ; and the Treasurer of  
 ' the said County, Riding, or Division, is hereby authorized and  
 ' required, upon Sight of such Order, forthwith to pay to such  
 ' Prosecutor, or other Person authorized to receive the same, such  
 ' Sum of Money as aforesaid, and shall be allowed the same in  
 ' his Accounts.

No. 2.  
 George III.  
 c. 19.

Court may  
 order the Treas-  
 urer of the  
 County, &c. to  
 pay the Prosec-  
 utor his Ex-  
 pences, and an  
 Allowance for  
 Loss of Time

VIII And be it further enacted by the Authority afore-  
 said, That it shall and may be in the Power of the Court,  
 where any Person shall appear, on Recognizance or Subpœna,  
 to give Evidence as to any Grand or Petit Larceny or other  
 Felony, whether any Bill of Indictment be preferred or not to  
 any Grand Jury, provided the said Person shall, in the Op-  
 nion of the said Court, *bona fide* have attended the said

Persons ap-  
 pearing to give  
 Evidence, al-  
 lowed their  
 Expence, &c

No. 2. Court in Obedience to such Recognizance or Subpoena, to  
 13 George III. order the Treasurer of the County, Riding, or Division,  
 c. 19. in which the Offence shall have been committed, or shall have  
 been supposed to have been committed, to pay unto such  
 Person such Sum of Money as to the said Court shall seem  
 reasonable, not exceeding the Expences which it shall appear  
 to the said Court the said Person was *bona fide* put unto by rea-  
 son of the said Recognizance and Subpoena, making, in case  
 the said Person shall appear to the Court to be in poor Cir-  
 cumstances, a reasonable Allowance to such Person for Trouble  
 and Loss of Time; which Order the Clerk of the Assize, or  
 Clerk of the Peace, respectively, is hereby directed and re-  
 quired forthwith to make out and deliver to such Person, upon  
 being paid for the same the Sum of six Pence, and no more;  
 and the Treasurer of the said County, Riding, or Division, is  
 hereby authorized and required, upon Sight of such Order,  
 forthwith to pay to such Person, or other Person authorized to  
 receive the same, such Sum of Money as aforesaid, and shall  
 be allowed the same in his Accounts.

IX. Provided nevertheless, and be it further enacted,  
 That it shall and may be lawful for his Majesty's Justices of the  
 Peace in and for any County, Riding, Division, City, Town  
 Corporate, Franchise, or Liberty, in Quarter Sessions assem-  
 bled, to lay down or alter, from Time to Time, such Rules and  
 Regulations, as to any Costs or Charges thereafter to be  
 allowed to any Person whatsoever, by virtue of any Part of  
 this Act, for the better carrying the Intent of any Part of this  
 Act into Execution, and for the preventing any unnecessary  
 Expence, as to them shall seem most just and reasonable; which  
 Rules and Regulations, having received the Approbation and  
 Signature of one or more of his Majesty's Judges of Oyer and  
 Terminer or General Gaol Delivery, at the Assizes for the  
 County, wherein such Rules and Regulations shall have been  
 made, shall be binding, and not otherwise, on all Persons  
 whatsoever; and no Person whatsoever shall be allowed any  
 greater Sum of Money, by virtue of this Act, than accord-  
 ing to the said Rules and Regulations so approved of as aforesaid,  
 any Thing herein contained to the contrary thereof in any  
 wise notwithstanding.

X. And be it further enacted by the Authority aforesaid,  
 Limitation of That if any Action or Suit shall be commenced against any  
 Actions. Person or Persons for any Thing done in pursuance of this  
 Act, that then, and in every such Case, the Action or Suit shall  
 be brought within six Calendar Months next after the Fact com-  
 mitted; and the Defendant or Defendants in such Action or  
 General Issue: Suit may plead the General Issue, and give this Act and the  
 Special Matter in Evidence, at any Trial to be had thereupon,  
 and that the same was done in Pursuance and by the Authority  
 of this Act: And if it shall appear so to have been done, the  
 Jury shall find for the Defendant or Defendants; and if the  
 Plaintiff shall be non-suit, or discontinue his Action after the  
 Defendant or Defendants shall have appeared, or if Judgment

shall be given, upon any Verdict or Demurrer, against the Plaintiff, the Defendant and Defendants shall and may recover Treble Costs, and have the like Remedy for the same as the Defendant or Defendants hath or have in other Cases by Law.

No. 2.  
George III.  
c. 19.  
Treble Costs.

### I. Form of awarding Costs.

County or Ba-  
rough, &c.  
to wit.

I and one (or, we being two) of his Majesty's Justices of the Peace in and for the aforesaid, in pursuance of an Act, made in the eighteenth Year of his Majesty King George the Third, intituled, *An Act for the Payment of Costs to Parties, on Complaints determined before Justices of the Peace out of Sessions; for the Payment of the Charges of Constables in certain Cases; and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny, or other Felony; on the Complaint of* [here state the Names of the Parties, and the Offence generally, and the Date] against for which said Complaint was heard and determined by on the Day of do award the following Costs to be paid by videlicet; [here state the Costs.] Given under Hand and Seal (or Hands and Seals) this Day of in the Year of our Lord

### II. Form of Warrant of Distress and Sale.

to wit. } To the Constable of and to  
all other his Majesty's Constables in and for  
in aforesaid.

WHEREAS of his Majesty's Justices of the Peace in and for the aforesaid, in pursuance of an Act, made in the eighteenth Year of his Majesty King George the Third, intituled, *An Act for the Payment of Costs to Parties, on Complaints determined before Justices of the Peace out of Sessions; for the Payment of the Charges of Constables in certain Cases; and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny, or other Felony; have awarded, on the of now last past, on the Complaint of against for the following Costs to be paid by videlicet, [here state the Sum:] And whereas the said being ordered by the said Justice (or Justices) to pay such Sum (or Sums) as aforesaid, hath not paid down or given Security for the same, to the Satisfaction of the said Justice (or Justices); These are therefore to command you, and each and every of you to levy the said Sum of by Distress and Sale of the Goods and Chattels of the said and do hereby*

‘ No. 2. ‘ order and direct the Goods and Chattels so to be distrained  
 18 George III. ‘ to be sold and disposed of within Days,  
 c. 19. ‘ unless the said Sum of for, which such Distress  
 ‘ shall be made, together with the reasonable Charges of  
 ‘ taking and keeping such Distress, shall be sooner paid; and  
 ‘ you are hereby also commanded to certify unto  
 ‘ what you shall have done by virtue of this Warrant.  
 ‘ Given under Hand and Seal (or Hands and Seals)  
 ‘ at the Day of in the  
 ‘ Year of our Lord

III. *Constable's Return thereon, for Want of Distress.*

to wit. } I Constable of  
 ‘ do hereby certify to  
 ‘ Justice (or Justices) of the Peace of that I  
 ‘ have made diligent Search for, but do not know, nor can find  
 ‘ any Goods and Chattels of by  
 ‘ Distress and Sale whereof I may levy the Sum  
 ‘ pursuant to Warrant for that Purpose.  
 ‘ dated the Day of  
 ‘ Given under my Hand, this Day of  
 ‘ in

IV. *Commitment thereupon to the House of Correction.*

to wit } To the Constable of and also to the  
 ‘ Keeper of the House of Correction at  
 ‘ WHEREAS, in pursuance of an Act, made in the  
 ‘ eighteenth Year of his Majesty King George the  
 ‘ Third, intituled, *An Act for the Payment of Costs to Parties,*  
 ‘ on Complaints determined before Justices of the Peace out of  
 ‘ Sessions; for the Payment of the Charges of Constables in  
 ‘ certain Cases; and for the more effectual Payment of Charges  
 ‘ to Witnesses and Prosecutors of any Larceny, or other Felony;  
 ‘ of his Majesty's Justices of the Peace, in and for  
 ‘ the said did issue Warrant of  
 ‘ Distress and Sale, directed to of  
 ‘ Constable of the said of  
 ‘ ordering the said Constable to levy the said Sum  
 ‘ of of the Goods and Chattels of the said  
 ‘ in Manner and Form as therein is men-  
 ‘ tioned: And whereas it appears to by the Return  
 ‘ of Constable of dated the  
 ‘ Day of that he hath made diligent Search,  
 ‘ but doth not know of, nor can find any Goods and Chattels  
 ‘ of the said by Distress and Sale whereof the  
 ‘ said Sum of may be levied, pursuant to the  
 ‘ said Warrant: These are therefore to command you, the  
 ‘ said Constable of to apprehend the said  
 ‘ and convey the said to the said  
 ‘ House of Correction at and to deliver the said  
 ‘ there to the said Keeper of the said House  
 ‘ of Correction: And these are also to command you, the said

' Keeper of the said House of Correction, to receive the said No. 2.  
 ' into the said House of Correction, and there 18 George III.  
 ' to keep to hard Labour for the Space of from c. 19.  
 ' the Date hereof, or until such Sum of toge-  
 ' ther with the Expences attending the Commitment of the  
 ' said to the said House of Correction,  
 ' be first paid, or until the said be discharged  
 ' by due Course of Law.  
 ' Given under Hand and Seal (or Hands and Seals)  
 ' at the Day of

## No. 3.

35 George III. c. 55. — An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace or Parish Officers, for Neglect of Duty, and on Masters of Apprentices for ill Usage of such their Apprentices; and also to make Provision for the Execution of Warrants of Distress granted by Magistrates.—[21st. June 1793.]

[Inserted ante, Title *Apprentices*.]

## No. 4.

41 George III. c. 78.—An Act to extend the Powers of an Act, passed in the twenty-seventh Year of the Reign of his late Majesty King George the Second, intituled, *An Act for the better securing to Constables and others the Expences of conveying Offenders to Gaol, and for allowing the Charges of Poor Persons bound to give Evidence against Felons*; and for allowing to High Constables, in that Part of the United Kingdom, called *England*, their Charges in certain Cases.—[27th. June 1801.]

**W**HEREAS by an Act made in the twenty-seventh Year No. 4.  
 of the Reign of his late Majesty King George the 41 George III.  
 Second, intituled, *An Act for the better securing to Constables c. 78.*  
*and others the Expences of conveying Offenders to Gaol, and for* 27 G. 2. c. 3.  
*allowing the Charges of Poor Persons bound to give Evidence*  
*against Felons*, it is enacted, That when any Person, not  
 having Goods or Money within the County where he is  
 taken, sufficient to bear the Charges of him-self and of those  
 who convey him, is committed to Gaol or the House of  
 Correction, by Warrant from any Justice or Justices of the  
 Peace, then on Application by any Constable or other  
 Officer who conveyed him, to any Justice of the Peace for  
 the same County or Place, he shall upon Oath examine into



- No. 4. ' and ascertain the reasonable Expences to be allowed such  
 41 George III. ' Constable or other Officer, and shall forthwith without Fee or  
 c. 78. ' Reward, by Warrant under his Hand and Seal, order  
 ' the Treasurer of the County or Place to pay same, which  
 ' the said Treasurer is hereby required to do as soon as he  
 ' receives such Warrant; and any Sum so paid shall be allow-  
 ' ed in his Accounts: And whereas it is expedient, in certain  
 ' Cases, that Constables specially appointed by Justices of the  
 ' Peace to execute any Warrant or Warrants, should be paid  
 ' the reasonable Charges and Expences incurred by them, as  
 ' well in respect of searching for and apprehending Offenders,  
 ' as in conveying such Offenders to Gaol: And whereas it is  
 ' also expedient that High Constables should, in certain Cases,  
 ' be allowed the extraordinary Charges and Expences by them  
 ' incurred; may it therefore please your Majesty that it may  
 ' be enacted; and be it enacted and declared by the King's

When Special Constables shall be appointed in England to execute Warrants in Cases of Felony, two Justices may order proper Allowances to be made for their Expences and Loss of Time, which Order shall be submitted to Quarter Sessions.

most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, it shall and may be lawful to and for any two Justices of the Peace for any County, City, Division, Riding or Place, within that Part of the United Kingdom called *England*, when any Person or Persons shall have been nominated or appointed a special Constable or special Constables, for the Purpose of executing any Warrant or Warrants in any Case or Cases of Felony, to order, by any Writing or Writings under their Hands, such proper Allowances to be made to such special Constable or special Constables, for his or their Expences, Trouble, and Loss of Time in executing or endeavouring to execute such Warrant or Warrants, as to him or them shall seem reasonable and necessary; which Orders shall be afterwards laid before and submitted, on the Oath of such special Constable or Constables, to the Consideration of the Justices assembled at the next General Quarter Sessions of the Peace to be holden for such County, City, Division, Riding, or Place, as the Case may be; and the Justices so assembled at such General Quarter Sessions may allow or disallow the Whole or any Part or Parts of such Allowances so ordered by such Justices issuing such Warrant or Warrants, and shall and may thereupon then order and direct the Treasurer for such County, City, Division, Riding or Place, to pay such Sum or Sums of Money to such Special Constable or Special Constables, as to the said Justices so assembled shall seem reasonable and necessary; and such Treasurer shall, and he is hereby authorized and required forthwith to pay the Sum and Sums of Money so ordered and directed to be paid to the Person or Persons empowered to receive the same; and such Treasurer shall be allowed the same in his Accounts.

Two Justices in like Manner may order Allowances to be

II. And be further enacted, That it shall and may be lawful to and for any two Justices of the Peace within their respective Jurisdictions, to order and direct, by any Writing

or Writings under their Hands such reasonable and necessary No. 4.  
 Allowances to be made to any High Constable or High Con- 41 George III.  
 stables for any County, City, Division, Riding, Hundred, or c. 78  
 Place, within that Part of the United Kingdom called *England*, made to High  
 for any extraordinary Expences incurred by him or them Constables in  
 in the Execution of their respective Duties, in any Case *England* for ex-  
 or Cases of Tumult, Riot, or Felony; and such Orders shall traordinary Ex-  
 be laid before and submitted, on the Oath of such High pences incurred  
 Constable or Constables, to the Consideration of the Justices, in the Execution  
 assembled at the next General Quarter Sessions of the Peace of their Duties,  
 to be holden for such County, City, Division, Riding, or in Cases of Riot  
 Place, as the same may be; and the Justices so assembled or Felony, &c.  
 at such General Quarter Sessions may allow or disallow the  
 Whole or any Part or Parts of such Allowance so ordered, and  
 shall and may then order and direct the Treasurer for such  
 County, City, Division, Riding, or Place, to pay such Sum  
 or Sums of Money to such High Constable or High Constables  
 as to the said Justices so assembled shall seem reasonable; and  
 such Treasurer shall, and he is hereby authorized and required  
 forthwith to pay the Sum or Sums of Money so ordered and  
 directed to be paid, to the Person or Persons empowered  
 to receive the same; and such Treasurer shall be allowed the  
 same in his Accounts.

## PART VI. CLASS X.

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### COSTS.

18 George III. c. 19.—An Act for the Payment of Costs to Parties, on Complaints determined before Justices of the Peace out of Sessions; for the Payment of the Charges of Constables in certain Cases; and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny, or other Felony.

[Inserted ante, Title Constables.]

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## PART VI. CLASS XI.

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### COUNTY RATE.

#### No. 1.

12 Geo. II. c. 29. — An Act for the more easy assessing, collecting and levying of County Rates.

No. 1.  
12 George II.  
c. 29.

22 Hen 8 c 5.  
1 Anne, stat. 1.  
c 18.

**W**HEREAS by an Act passed in the twenty-second Year of the Reign of King HENRY the Eighth, for repairing and amending Bridges and Highways: and whereas by another Act passed in the first Year of the Reign of her late Majesty Queen ANNE, to explain and alter the said Act, it is, for the more easy taxing and collecting the Money for the Repair of such Bridges and Highways thereunto adjoining (amongst other Things) enacted, That the Justices of the Peace within the several Limits of their Commissions shall, at their General or Quarter Sessions of the Peace, have full Power and Authority, upon due Presentment to them made, that any Bridge within their respective Commissions or Authorities, in need of Repair, and which by them hath usually, or ought to have been repaired and maintained, to make Assessments upon every Town, Parish, or Place within their respective Commissions

' for that Purpose, in Proportions upon each respective Town  
 ' and Parish, as they usually have been assessed towards  
 ' the Repair of Bridges; which Assessments are to be levied  
 ' and collected in the Manner prescribed by the said Act:  
 ' And whereas by an Act passed in the eleventh and twelfth  
 ' Years of the Reign of his late Majesty King WILLIAM  
 ' the Third, to enable Justices of the Peace to build and repair  
 ' Gaols in their respective Counties, it is (amongst other Things)  
 ' enacted, That it shall and may be lawful for the Justices  
 ' of the Peace, or the greater Number of them, within the  
 ' Limits of their Commissions, upon Presentment of the  
 ' Grand Jury or Grand Juries, at the Assize, Great Sessions  
 ' and General Gaol Delivery, held for the same County, of  
 ' the Insufficiency or Inconveniency of their Gaol or Prison,  
 ' to conclude and agree upon such Sum or Sums of Money,  
 ' as, upon Examination of able and sufficient Workmen, shall  
 ' be thought necessary for the building, finishing, and repair-  
 ' ing a publick Gaol or Gaols, belonging to the Shire or  
 ' County whereof they are Justices of the Peace; and by  
 ' Warrant under their Hands and Seals, or under the Hands  
 ' and Seals of the greater Number of them, by equal Propor-  
 ' tions to distribute and charge the Sum or Sums of Money  
 ' to be levied for the Uses aforesaid upon the several Hundreds,  
 ' Lathes, Wapentakes, Rape, Ward, or other Division of  
 ' the said County, in the Manner prescribed by the said  
 ' Act; which said Act was revived and continued by an Act  
 ' passed in the tenth Year of the Reign of her late Majesty  
 ' Queen ANNE for seven Years, and to the End of the then  
 ' next Session of Parliament, and made perpetual by an Act of  
 ' the sixth Year of the Reign of his late Majesty King GEORGE  
 ' the First; And whereas by an Act passed in the seventh Year  
 ' of the Reign of King JAMES the First, for the due Execution  
 ' of divers Laws and Statutes heretofore made against Rogues,  
 ' Vagabonds, and sturdy Beggars, and other lewd and idle  
 ' Persons, it is (amongst other Things) enacted, That there  
 ' shall be erected, built, or otherwise provided, within every  
 ' County of this Realm of *England and Wales*, where there is  
 ' not one House of Correction already built, provided, or con-  
 ' tinued, one or more fit and convenient House or Houses  
 ' of Correction, by the Justices of the Peace, or the more  
 ' Part of them, at their respective Quarter Sessions; and that  
 ' the Master or Governors of the said Houses of Correction  
 ' shall have such Sums of Money yearly as shall be thought  
 ' meet by the said Justices; the same to be paid quarterly  
 ' beforehand, by the Treasurers appointed by an Act made in  
 ' the three and fortieth Year of the late Queen ELIZABETH,  
 ' intituled, *An Act for the Relief of the Poor*; which said  
 ' Act was to continue for seven Years, and till the End of  
 ' the next Session of Parliament, and was further continued by  
 ' an Act passed in the third Year of the Reign of King  
 ' CHARLES the First, intituled, *An Act for the Continuance*  
 ' and Repeal of divers Statutes, unto the End of the first  
 ' Session of the next Parliament; and by an Act passed in the

No. 1.

12 George II:  
c. 29.11 & 12 W.  
3 c. 22.

7 Jac. I. c. 4.

43 Eliz. c. 2.

- No. 1. ' sixteenth Year of the same Reign continued in Force, until  
 14 George II. ' repealed by some other Act of Parliament: And whereas by  
 c. 29. ' an Act passed in the forty-third Year of the Reign of Queen  
 ' ELIZABETH, intituled, *An Act for the Relief of the Poor*, it  
 ' is (amongst other Things) enacted, That the Justices of  
 ' the Peace of every County or Place Corporate, or the  
 ' more Part of them, in their General Sessions to be holden  
 ' next after the Feast of *Easter*, and so yearly, as often as  
 ' they shall think meet, shall rate every Parish to such a  
 ' weekly Sum of Money as they shall think convenient, so as  
 ' no Parish be rated above the Sum of six Pence, nor under the  
 ' Sum of an Halfpenny, weekly to be paid, and so as the  
 ' total Sum of each Taxation of the Parishes in every County  
 ' amount not to above the Rate of two Pence-for every Parish  
 ' within the said County: and it is thereby likewise enacted,  
 ' That the Justices of the Peace at their General Quarter  
 ' Sessions to be holden at the Time of such Taxation, shall  
 ' set down what competent Sums of Money shall be sent  
 ' quarterly out of every County or Place Corporate, for the  
 ' Relief of the poor Prisoners of the *King's Bench* and *Mar-*  
 ' *shalsea*; and also of such Hospitals and Alms-houses as shall  
 ' be in the said County; and what Sums of Money shall be  
 ' sent to every one of the said Hospitals and Alms-houses; so  
 ' as there be sent out of every County yearly twenty Shillings  
 ' at the least to each of the said Prisons of the *King's Bench*  
 ' and *Marshalsea*; which Sums are rateably to be assessed  
 ' upon every Parish, and to be levied and collected as in and  
 ' by the said Act is directed: And whereas by an Act passed  
 14 Eliz. c. 5. ' in the fourteenth Year of the Reign of Queen ELIZABETH,  
 ' intituled, *An Act how Vagabonds shall be punished, and the*  
 ' *Poor relieved*; it is enacted, That the Justices of the Peace  
 ' of every County, or the more Part of them, in their Gene-  
 ' ral Quarter Sessions, shall rate every Parish at such reason-  
 ' able Sums of Money for the Relief of Prisoners, as they  
 ' shall think convenient, so as no Parish be rated above six  
 ' Pence or eight Pence weekly; and the Churchwardens  
 ' of every Parish shall levy the same every Sunday, and once  
 ' in every Quarter pay the said Sums to the High Constables  
 ' or other Head Officers; and the said High Constables and  
 ' Head Officers shall pay the Money received of the said  
 ' Churchwardens to such Person as shall be appointed  
 ' by the said Justices in Sessions, to be by them distributed  
 ' weekly for the Relief of Prisoners; so much of which said  
 ' Act as relates to the taxing, levying, receiving, and em-  
 ' ploying of Gaol Money was revived and continued to the  
 ' End of the then next Session of Parliament, by an Act  
 ' passed in the first Year of the Reign of King JAMES the  
 ' First, intituled, *An Act for continuing and reviving of di-*  
 ' *vers Statutes, and for repealing of some others*; and was fur-  
 ' ther continued by an Act passed in the twenty-first Year  
 ' of the Reign of the said King JAMES, intituled, *An Act*  
 ' *for continuing and reviving of divers Statutes, and repeal*

'of *divers others*; and was further continued to the End No. 1.  
 'of the next Session of Parliament, by an Act passed in 12 George II.  
 'the third Year of the Reign of King CHARLES the First, c. 29.  
 'intituled, *An Act for the Repeal and Continuance of divers*  
 '*Statutes*; and by an Act passed in the sixteenth Year of  
 'the same Reign, was continued in Force until repealed by  
 'some other Act of Parliament: And whereas by an Act 19 Car. II. c. 4.  
 'passed in the nineteenth Year of the Reign of King  
 'CHARLES the Second, intituled, *An Act for Relief of poor*  
 '*Prisoners, and setting them on work*, it is (amongst other  
 'Things) enacted, That the Justices of the Peace at their  
 'General Sessions, or the major Part of them, if they think  
 'fit, may provide a Stock of Materials for setting poor Pri-  
 'soners on Work, in such Manner and by such Ways as other  
 'County Charges are levied and raised, and provide and  
 'pay fit Persons to oversee such Work, and make such Orders  
 'concerning the Premises, as they from Time to Time shall  
 'think fit, provided that no Parish be rated above six Pence  
 'by the Week towards the Premises: And whereas an Act 12 Anne, stat.  
 'passed in the twelfth Year of the Reign of her late Majesty 2. c. 23.  
 'Queen ANNE, for reducing the Laws relating to Rogues,  
 'Sturdy Beggars and Vagrants, into one Act of Parliament,  
 'and for the more effectual punishing such Rogues, Vagabonds,  
 'Sturdy Beggars and Vagrants, and sending them whither  
 'they ought to be sent; (it is amongst other Things) enacted,  
 'That the Justices of the Peace, at their Quarter Sessions,  
 'may from Time to Time, when Need shall be, by such Way  
 'and Means as Monies for County Gaols or Bridges may  
 'be raised, cause such Sums of Money to be raised within  
 'their respective Precincts and Jurisdictions, for the passing  
 'and conveying or maintaining of Rogues and Vagabonds,  
 'as shall be necessary for those Purposes; which said  
 'several Rates, when collected, are to be paid by virtue  
 'of the said several Acts, into the Hands of Treasurers  
 'or Receivers to be appointed by the Justices at their  
 'respective General or Quarter Sessions of the Peace, and  
 'to be accounted for, as in and by the said several re-  
 'spective Acts are recited: And whereas it is apparent that  
 'the Manner and Methods prescribed by the said several  
 'Acts for collecting some of the said Rates are impracticable,  
 'the Sums charged on each Parish in the respective Divisions  
 'being so small, that they do not by an equal Pound Rate  
 'amount to more than a fractional Part of a Farthing in the  
 'Pound on the several Persons thereby rateable; and if possible  
 'to have been rated, the Expence of assessing and collecting  
 'the same would have amounted to more than the Sum rated:  
 'And whereas many and great Doubts, Difficulties and Incon-  
 'veniences have arisen in making and collecting other of  
 'the said Rates; therefore that the good Ends and Purposes  
 'of the said several Statutes may be answered, and the  
 'several Sums of Money thereby intended to be raised may  
 'effectually be collected, with as much Ease and Certainty,

No. 1.  
12 George II.  
c. 29.

Justices to  
make general  
Assessment,  
instead of the  
several Rates  
appointed by  
several Acts.

The Power of  
the Justices is  
extended to 13  
Geo. II. c. 18.  
(7)

To be paid  
out of the Poor's  
Rate of every  
Parish to the  
High Constable.

'and as little Expence as can be to the Parties obliged by the said Laws to pay the same;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of September one thousand seven hundred and thirty-nine, the Justices of the Peace in that Part of Great Britain called England, within the respective Limits of their Commissions, at their General or Quarter Sessions, or the greater Part of them then and there assembled, shall have full Power and Authority, from Time to Time, to make one general Rate or Assessment for such Sum or Sums of Money as they in their Discretions shall think sufficient to answer all and every the Ends and Purposes of the before-recited Acts, instead and in lieu of the several separate and distinct Rates directed thereby to be made, levied, and collected; which Rate shall be assessed upon every Town, Parish, or Place within the respective Limits of their Commissions, in such Proportions as any of the Rates heretofore made in pursuance of the said several Acts have been usually assessed; and the several and respective Sums so assessed upon each and every Town, Parish or Place within the respective Limits of their Commissions, shall be collected by the High Constables of the respective Hundreds and Divisions, in which any Town, Parish or Place doth lie, in such Manner, and at such Times, as is herein after directed.

II. And that the respective Sum or Sums so to be assessed and collected may be well and truly paid to the respective High Constables, Be it further enacted by the Authority aforesaid, That the Churchwardens and Overseers of the Poor for the Time being of each and every Parish and Place within the respective Counties, Cities and Liberties, in which they respectively lie, shall, and they are hereby required, out of the Money collected or to be collected for the Relief of the Poor of such Parish or Place, to pay to the High Constables of the respective Hundreds or Divisions of the said Counties, Cities, and Liberties, the respective Sum or Sums of Money so rated and assessed upon such Parish or Place, within the Space of thirty Days after Demand thereof made in Writing, to be given to the said Churchwardens or Overseers of the Poor, or any of them, or left at their or either of their Dwelling-house or Houses, or affixed on any of the Church-doors of such Parish or Place to which such Officer shall belong, by the said High Constable or High Constables of the respective Hundreds or Divisions; which Demand the respective High Constable or High Constables is and are hereby required to make, at such Times as the said Justices of the Peace, or the greater Part of them, shall by their Order in Sessions direct; and the Receipt or Receipts of such High Constable or High Constables shall be a full and sufficient Discharge to such Churchwardens and Overseers

of the Poor, or other Person paying the same, and shall be allowed in their Accounts as such by the Justices of the Peace before whom such Account shall be passed: And in case such Churchwardens and Overseers of the Poor, or any of them, shall neglect or refuse to pay any the Sum or Sums of Money hereby assessed, after Demand made as aforesaid; such High Constable or High Constables shall, and they are hereby impowered to levy the same by Distress and Sale of the Goods and Chattels of such Churchwardens and Overseers, or either of them, so refusing or neglecting to pay the same as aforesaid, by Warrant under the Hands and Seals of two or more Justices of the Peace of the County, Riding, Division, City, Town Corporate, Liberty, or Place, residing in or near such Parish or Place; rendering the Overplus, if any there shall be, after deducting the Money assessed, and the Charges of the Distress and Sale, to the Owner or Owners thereof.

No. 1.  
12 George II.  
c. 29.  
or to be levied  
on them by  
Distress.

III. Provided nevertheless, and be it enacted by the Authority aforesaid, That in case no Rate is or shall be made for the Relief of the Poor in any Parish, Township, or Place, The Justices of the Peace in their respective General or Quarter Sessions, or the greater Part of them then and there assembled, shall and may by their Order, direct the Sum of Money assessed on such Parish, Township, or Place, for the Purposes of this Act, to be rated and levied on any such Parish, Township, or Place, by any Petty Constables or other Peace Officer, of or belonging to the same, in such Manner as Money for the Relief of the Poor is by Law to be rated or levied; which Sum so rated and levied shall be paid by such Petty Constable or other Peace Officer to the respective High Constable for the Hundred, Division or Liberty wherein such Parish, Township, or Place shall lie, and shall be demanded of, paid by, or levied on such Petty Constable or other Peace Officer, in the same Manner as any Rates are herein before directed to be demanded of, paid by, and levied on the Churchwardens and Overseers of the Poor, or any of them; and if such Petty Constable or other Peace Officer shall pay such Sum before the same shall be so by him rated and levied as aforesaid, he may afterwards rate and levy the same, or shall and may be allowed and reimbursed the said Sum of Money out of any Constables or other Rate made or to be made on any such Parish, Township, or Place which the said Justices of the Peace, or the greater Part of them, in their Sessions shall order and direct.

Where there is  
no Poors Rate  
the Petty Con-  
stable of the  
Place to levy  
and pay the  
County Rate.

IV. And whereas it will be very inconvenient to many Towns, Parishes, and Places, in the several Counties of York, Derby, Durham, Lancaster, Chester, Westmorland, Cumberland, and Northumberland; that the Rates by this Act directed to be paid by and levied on the Churchwardens and Overseers of the Poor for the Purposes aforesaid, should be paid out of any Rate to be made for the Relief of the Poor in such Towns, Parishes, and Places;" Be it therefore



No. 1. enacted by the Authority aforesaid, That it shall and may be  
 12. George II. lawful to and for the Justices of the Peace for the respective  
 c. 29. Ridings, Divisions, or Counties of *York, Derby, Durham, Lancaster, Chester, Westmorland, Cumberland, and Northum-*  
*berland*, at their respective General or Quarter Sessions,  
 or the greatest Part of them then and there assembled, if  
 they shall think convenient, to order the Sum of Money  
 directed to be assessed on any such Town, Parish, or Place,  
 for all or any of the Purposes of this Act, to be paid by  
 and levied on the Petty Constable of or for any such Town,  
 Parish, or Place, within the said Counties respectively, in  
 such Manner as the same is herein directed to be paid and  
 levied in Cases where no Rate is made for the Relief of the  
 Poor; any Thing herein contained, or any Law, Usage, or  
 Custom to the contrary notwithstanding.

Counties ex-  
 cepted from pay-  
 ing the Rate of  
 this Act out of  
 the Poors Rate.

V. Provided always, and be it enacted by the Authority  
 aforesaid, That this Act, or any Thing herein contained, shall  
 not extend, or be construed to extend, to make any Persons,  
 Liberties, Divisions, or Places liable to pay to any Rate to be  
 made in pursuance of this Act, to which such Person, Liberty,  
 Division, or Place did not; or was not liable to contribute  
 before the passing hereof; but that it shall and may be lawful  
 to and for the Justices of the Peace at their respective General  
 or Quarter Sessions, or the greater Part of them then and  
 there assembled, to order and ascertain what Proportion of  
 any Rate to be made by virtue of this Act shall be assessed on  
 and paid by the several Persons, Liberties, Divisions, and  
 Places, who have usually contributed, or are liable to pay only  
 to one or more of, and not to all the Rates hereby intended  
 to be raised and thrown into one general Rate or Assess-  
 ment.

Proviso in fa-  
 vour of Places  
 heretofore not  
 paying County  
 Rates.

High Constables to pay the  
 Monies to the  
 Treasurers ap-  
 pointed by the  
 Quarter Ses-  
 sions.

VI. And be it further enacted by the Authority afore-  
 said, That the respective High Constables shall, and they  
 are hereby required, at or before the next General or  
 Quarter Sessions respectively after they or any of them  
 shall have received such Sum or Sums of Money, to pay the  
 same into the Hands of such Person or Persons (being resident  
 in any such County, Riding, Division, City, Liberty, or  
 Place where such Rates shall be respectively made) whom the  
 said Justices shall, at their respective General or Quarter Ses-  
 sions, or the greater Part of them then and there assembled,  
 appoint to be the Treasurer or Treasurers (which Treasurer or  
 Treasurers they are hereby authorized and empowered to no-  
 minate and appoint), such Treasurer or Treasurers first giving  
 sufficient Security in such Sums as shall be approved of by the  
 said Justices at their respective General or Quarter Sessions, or  
 the greater Part of them then and there assembled, to be account-  
 able for the several and respective Sums of Money which shall be  
 respectively paid to them in pursuance of this Act, and to pay  
 such Sum or Sums of Money as shall be ordered to be paid by  
 the Justices in their General or Quarter Sessions, and for the due  
 and faithful Executions of the Trusts reposed in him or them; and

all and every such Sum or Sums of Money as shall be paid into his or their Hands by virtue of and in pursuance of this Act, shall be deemed and taken to be the publick Stock; and the said Treasurer or Treasurers shall and are hereby required to pay so much of the Money in their Hands, to such Person and Persons as the said Justices, at their respective General or Quarter Sessions, or the greater Part of them then and there assembled, shall, by their Orders from Time to Time direct and appoint, for the Uses and Purposes of the said recited Acts, and for any other Uses (1.) and Purposes to which the publick Stock of any County, City, Riding, Division, or Liberty, is or shall be applicable by Law.

No. 1.  
12 George II.  
c 29  
and they to  
whom the Justices shall direct.

VII. And be it further enacted by the Authority aforesaid, That the said respective Treasurer or Treasurers shall and are hereby required to keep Books of Entries of the several Sums respectively received and paid by him or them in pursuance of this Act; and is and are also hereby required to deliver in true and exact Accounts upon Oath if required (which Oath the said Justices, at their respective General or Quarter Sessions are hereby impowered to administer) of all and every the Sum and Sums of Money respectively received and paid by him or them, distinguishing the particular Uses to which such Sum or Sums of Money have been applied; to the Justices at every General or Quarter Sessions respectively to be holden within the Limits of their Commissions; and shall lay before the Justices at such Sessions the proper Vouchers for the same.

Treasurers to  
keep Books of  
Entries, and ac-  
count upon  
Oath.

VIII. And be it further enacted by the Authority aforesaid, That the respective High Constables shall and they are hereby required to demand and levy such Rates and Assessments in Manner before directed, and shall account for the same before the said Justices at their respective General or Quarter Sessions, if thereunto required, in the like Manner as the said Treasurer or Treasurers is and are hereby directed to account; and in Case such High Constables, or any of them, shall neglect or refuse so to demand, levy, or account, then it shall and may be lawful to and for the said Justices, at their respective General or Quarter Sessions, or the greater Part of them then and there assembled, to commit such High Constable or High Constables to the common Gaol of the County, Riding, Division, City, Town Corporate, Liberty, or Place, there to remain without Bail or Mainprize, until he or they shall have caused such Rates or Assessments to be demanded or levied, and shall have rendered a true Account or Accounts in the Manner hereby directed; and in Case it shall appear by such Account or Accounts, that any Sum or Sums of Money is or are remaining in his or their Hands, which he or they shall have received of the respective Church-

High Consta-  
bles Charge.

Penalty on De-  
fault.

(1.) The Sessions may order Money to be paid out of the County Rate to defend the County, in litigating a Fine imposed on them *Rex. v. Inhab. of Essex*, 4 T. R. 591; not for the Expences of a Prosecution for a Misdemeanour, carried on under the Direction of Justices of the County: *R. v. West Riding of York*, 7 T. R. 377.

No. 1. wardens and Overseers, or other Persons which ought to  
 12 George II. have been paid to the respective Treasurer or Treasurers at  
 c. 29. the Time or Times limited by this Act, or of the respective  
 Treasurer or Treasurers, in order to be applied to the Purposes  
 aforesaid; and if he or they shall neglect or refuse to pay  
 the same over into the Hands of the respective Treasurer  
 or Treasurers, or otherwise, if thereunto required by Order of  
 the said Justices, at their respective General or Quarter  
 Sessions, or the greater Part of them then and there assembled;  
 then it shall and may be lawful for the said Justices, at such  
 their General or Quarter Sessions, or the greater Part of them  
 then and there assembled, to commit such High Constable  
 or High Constables, to the common Gaol of the County,  
 Riding, Division, City, Town Corporate, Liberty or Place,  
 there to remain without Bail or Mainprize, until he or they  
 shall have made full Payment of the Sum or Sums of Money  
 that shall appear to be due on such Account or Accounts;  
 and all the Accounts and Vouchers of the said Treasurers  
 and High Constables shall, after having been passed by the  
 said Justices at their respective General or Quarter Sessions,  
 be deposited with the Clerk of the Peace for the Time being,  
 of each County respectively, or the Town Clerk, High  
 Bailiff, or Chief Officer of any City, Town Corporate, or  
 Liberty, who is and are hereby required to keep them among  
 the Records of such County, City, Town Corporate, or  
 Liberty, to be inspected from Time to Time by any of  
 the said Justices, within the Limits of their Commissions as  
 Occasion shall require, without Fee or Reward.

Vouchers to  
 be kept among  
 the Records of  
 the County, &c.

What shall be  
 their respective  
 Discharge.

IX. And be it further enacted by the Authority aforesaid,  
 That the Receipts of such respective Treasurer or Treasurers  
 shall be sufficient Discharges to all High Constables; and the  
 Discharges of the said Justices of the Peace, or the greater Part  
 of them, by their Orders made at their respective General Quar-  
 ter Sessions to such Treasurer or Treasurers, shall be deemed  
 and allowed as good and sufficient Releases, Acquittances, or  
 Discharges, in any Court of Law or Equity to all Intents and  
 Purposes whatsoever.

The Condition  
 on which new  
 Rates are to be  
 made.

X. And be it further enacted by the Authority aforesaid,  
 That no new Rate shall be made, until it shall appear to the  
 said Justices, at their respective General or Quarter Sessions,  
 or the greater Part of them then and there assembled, by the  
 Accounts of their respective Treasurer or Treasurers or other-  
 wise, that three Fourths of the Money collected by virtue of  
 the preceding Rate have been expended for the Uses and Pur-  
 poses aforesaid.

Treasurer to  
 be continued or  
 removed at the  
 Will of the  
 Quarter Ses-  
 sions.

XI. And be it further enacted by the Authority aforesaid,  
 That it shall and may be lawful to and for the said Justices  
 of the Peace at their respective General or Quarter Sessions,  
 or the greater Part of them then and there assembled, to con-  
 tinue from Time to Time such Treasurer or Treasurers in his or  
 their Office or Offices, so long as they shall see convenient,  
 and to remove him or them at their Pleasure, and appoint any

other Person or Persons in his or their Place : and to allow to him or them, and every of them, insisting on the same, such reasonable Sum or Sums of Money for his or their Care and Pains in the Execution of such Trust, not exceeding twenty Pounds by the Year, as they in their Discretions shall think fit ; which they are hereby impowered to direct the Payment of, out of the Monies arising by the respective Rates hereby appointed to be made.

No. 1.  
12 George II.  
c. 29.

XII. And be it further enacted by the Authority aforesaid, That in case the Churchwardens and Overseers of any Parish or Place shall at any Time have reason to believe the said Parish or Place is over-rated, such Churchwardens and Overseers may appeal to the respective Justices of the Peace at their next General or Quarter Sessions, against such Part of the Rate only as may affect the Parishes or Places in which they serve such Offices ; which Justices, or the greater Part of them then and there assembled, are hereby authorized and impowered to hear and finally determine the same : Provided nevertheless, That upon such Appeal such Rate shall not be quashed or destroyed in regard to any other Parishes or Places assessed thereby.

Parishes over-rated to appeal.

XIII. And be it further enacted by the Authority aforesaid, That no Part of the Money to be raised and collected in pursuance of this Act shall be applied to the Repair of any Bridges, Gaols, Prisons, or Houses of Correction, until Presentments be made by the respective Grand Juries, at the Assize, Great Sessions, General Gaol Delivery, or General or Quarter Sessions of the Peace held for any County, Riding, Division, City, Town Corporate, or Liberty, of the Insufficiency, Inconvenience, or Want of Reparation of their Bridges, Gaols, Prisons, or Houses of Correction.

No Repairs of Bridges, &c. but upon Presentments of the Grand Jury

XIV. And be it further enacted by the Authority aforesaid, That from and after the first Day of June one thousand seven hundred and thirty-nine, when any publick Bridges, Ramparts, Banks, or Cops, or other Works, are to be repaired at the Expence of any County, City, Riding, Hundred, Division, Liberty, or Town Corporate ; it shall and may be lawful to and for the Justices of the Peace at their General or Quarter Sessions respectively, or the greater Part of them then and there assembled, if they think proper and convenient, after Presentment to be made as aforesaid, of the Want of Reparation of such Bridges, Ramparts, Banks, or Cops, to contract and agree with any Person or Persons for rebuilding, repairing and amending of such Bridges, Ramparts, Banks, or Cops, as shall be within their respective Counties, Cities, Ridings, Hundreds, Divisions, Liberties, or Towns Corporate, and all other Works which are to be repaired and done by Assessment on the respective Counties, Cities, Ridings, Hundreds, Divisions, Liberties, or Towns Corporate, for any Term or Terms of Years, not exceeding seven Years, at a certain annual Sum, Payment or Allowance for the same ; such Contractor or Contractors giving sufficient Security for the due Performance thereof, to the respective Clerk of the Peace for the Time

Justices to contract with Persons for publick Repairs,

No. 1.  
12 George II.  
c. 29.  
upon publick  
Notice.

being, or the Town Clerk, High Bailiff, or Chief Officer of any City, Town Corporate, or Liberty; and that such Justices at their respective General or Quarter Sessions shall give publick Notice of their Intention of contracting with any Person or Persons for rebuilding, repairing, and amending the Bridges, Ramparts, Banks, or Cops, and other Works aforesaid; and that such Contracts shall be made at the most reasonable Price or Prices which shall be proposed by such Contractors respectively; and that all Contracts when agreed to, and all Orders relating thereto, shall be entered in a Book, to be kept by the respective Clerk of the Peace for the Time being, or the Town Clerk, High Bailiff, or Chief Officer of any City, Town Corporate, or Liberty for that Purpose; who is and are hereby required to keep them amongst the Records of such County, City, Town Corporate, or Liberty, to be from Time to Time inspected at all seasonable Times by any of the said Justices within the Limits of their Commissions; and by any Person or Persons employed or to be employed by any Parish, Township, or Place, contributing to the Purposes of this Act without Fee or Reward.

Justices to  
make but one  
Rate for Mid-  
dlesex.

XV. And it is hereby further enacted, That there shall be but one Rate made and assessed by the Justices of the Peace of the County of *Middlesex*, in the said County, City, and Liberty of *Westminster*, for the several Purposes aforesaid, and for the Repair of the Gaol commonly called *New Prison*, in the said County of *Middlesex*.

Proviso as to  
the House of  
Correction at  
*Westminster*.

XVI. Provided nevertheless, That the Justices of the Peace for the City and Liberty of *Westminster*, at their General or Quarter Sessions to be holden for the same City or Liberty, or the greater Part of them then and there assembled, shall have full Power to appoint the Governor or Master of the House of Correction within the said City or Liberty; who shall have such Sum of Money yearly as hath been accustomed for and towards the Support and Maintenance of the Prisoners in his Custody, who shall be sick, or unable to work (not exceeding the present Allowance of Fifty Pounds by the Year) and direct the Repairs and Management thereof as they heretofore have done; and the Treasurer or Treasurers of the Money arising by the Rates in the said County of *Middlesex*, and City and Liberty of *Westminster*, hereby appointed to be collected, shall, and is and are hereby required to obey all Orders, which shall from Time to Time be made by the said Justices of the City and Liberty, or the greater Part of them then and there assembled, at their General or Quarter Sessions, for the Payment of any Sum or Sums of Money for the Allowance allotted to such Governor, or Master of the House of Correction, and the Repairs thereof; which Orders shall be good and sufficient Discharges to such Treasurer or Treasurers; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Justices impow-  
ered to oblige  
Collectors to ac-  
count,

XVII. And be it further enacted by the Authority aforesaid, That the Justices of the Peace at their respective General or Quarter Sessions, or the greater Part of them then and there

assembled, shall be and are hereby empowered to oblige, by their Order or Orders, the respective High Constables and Petty Constables, or any other Person or Persons who are or have been empowered to levy; collect or receive any Sum or Sums of Money by virtue of and for the Purposes aforesaid, and who have any Sum or Sums of Money in their Hands, to account with them at their General or Quarter Sessions, in such Manner as High Constables are directed to account by virtue of this Act; and in case such High Constables or Petty Constables, or other Person or Persons, shall refuse to account, or to pay over the Money that shall remain in their or any of their Hands, when thereunto required by Order of the said Justices or the greater Part of them in their respective General or Quarter Sessions assembled; in either of the said Cases the said Justices shall have the like Remedy against them or any of them, as they have against the High Constables by virtue of this Act, for not accounting for or paying over the Money remaining in their Hands: And it shall and may be lawful to and for the said Justices at their respective General or Quarter Sessions, or the greater Part of them then and there assembled, and they are hereby empowered, to direct and order the Payment of the respective Sums of Money which shall appear to be remaining due, and not applied or disposed of, into the Hands of the respective Treasurer or Treasurers to be appointed by this Act; which shall be deemed to be Part of the Stock of the said Counties, Cities, Ridings, Divisions, Liberties or Places respectively; and to enquire what Sums of Money are due and owing for the Purposes aforesaid: and then to order the Payment of such Sums as shall appear to them upon such Enquiry to be justly due and owing.

XVIII. And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced or prosecuted against any Person or Persons who has or have been or shall be employed in the collecting or receiving any Money in pursuance of the said recited Acts, or this present Act, on any Rate or Rates which has or have been or shall be quashed or discharged on any *Certiorari* brought or to be brought in any of his Majesty's Courts of Record at Westminster, or otherwise, for any Money collected or received, or to be collected or received on any such Rate or Rates, before such Writ of *Certiorari* was or shall be brought and allowed; and that Justice may be done to such Persons who shall or may pay towards any Rate which shall be quashed or discharged, the several Sums of Money which shall appear to have been paid by them on such Rate, either in Whole or in Part, more than they ought to have paid, shall be repaid, or allowed to them in the next Rate or Rates which shall be made in pursuance of this Act, as if the same had been paid on such new Rate or Rates; any Thing in any former Act, or any Law, Usage, or Custom to the contrary thereof in any wise notwithstanding.

No. 1.  
12 George II.  
c. 29.

and to order the  
Monies unap-  
plied to be paid  
to the Treasu-  
rer,

No Action  
against Persons  
collecting on  
Rates discharg-  
ed by *Certiora-  
ri*, &c.

but the Person  
over-rated to be  
relieved.

No. 1. XIX. Provided nevertheless, and it is hereby further  
 12 George II. enacted, That all and every such Person and Persons so em-  
 c. 29. ployed or to be employed, shall account for and pay over the  
 Collectors Money by them respectively received, in the same Manner,  
 obliged to Pay- and under the like Penalties for any Neglect or Refusal there-  
 ment. in, as are to be inflicted by virtue of this Act on any Person or  
 Persons neglecting or refusing to account for, or pay over any  
 Money remaining in his or their Hands, which he or they have  
 received in pursuance thereof; any Thing in any of the said  
 recited Acts contained to the contrary thereof in any wise  
 notwithstanding.

XX. And be it further enacted by the Authority aforesaid,  
 That the Justices of the Peace for the said County of *Middle-*  
*sex*, at their General Sessions of the Peace to be holden for the  
 said County shall have the same Powers and Authorities to put  
 this Act in Execution, as are hereby given them at their  
 General Quarter Sessions; any Thing in this, or any former  
 Act, or any Law, Usage, or Custom to the contrary notwith-  
 standing.

*Certiorari* on what Terms is-  
 suable XXI. And be it further enacted by the Authority afore-  
 said, That no Writ of *Certiorari*, to remove any Rates made in  
 pursuance of this Act, or to remove any Orders or other Pro-  
 ceedings taken or made by the said respective General or  
 Quarter Sessions touching such Rates, shall be taken out or  
 granted but upon a Motion to be made some Time in the first  
 Week of the next Term after the Time for appealing from  
 such Rates or Orders is expired, and upon making it appear to  
 the Court by Affidavit or otherwise, that the Merits of the  
 Question upon such Appeal or Orders will by such Removal  
 come properly in the Judgment of the said Court; and that no  
 such Writ of *Certiorari* shall be allowed until sufficient Security  
 be given to the respective Treasurer or Treasurers appointed  
 by virtue of this Act, in the Sum of one hundred Pounds,  
 to prosecute such Writ of *Certiorari* with Effect, and to pay  
 the Costs to be ascertained by the Court to which such Rates,  
 Orders, or Proceedings shall be removed, in case such Rates  
 or Orders shall be confirmed; nor shall any such Rates,  
 Orders, or Proceedings be quashed or vacated for Want of  
 Form only; and all Charges attending such Removal shall be  
 defrayed out of that or any subsequent Rate.

Part of 14 and  
 43 Eliz. and 19  
 Car. 2. repealed.  
 XXII. And be it further enacted by the Authority afore-  
 said, That so much of the before-recited Act passed in the  
 fourteenth Year of the Reign of Queen ELIZABETH, as relates  
 to the Method of taxing Parishes for the Relief of Prisoners;  
 and so much of the said Act of the forty-third Year of the same  
 Reign, as relates to the Method of raising Money for the  
 King's Bench and Marshalsea Prisons, Hospital and Alms-  
 houses; and so much of the said Act of the nineteenth Year  
 of the Reign of King CHARLES the Second, as relates to the  
 Method of rating Parishes for providing Materials for the setting  
 poor Prisoners on Work, shall be repealed, and be absolutely  
 null and void.

XXIII. Provided nevertheless, That such Sums as have been annually paid to the *King's Bench* and *Marshalsea* Prisons, shall be paid out of the Monies arising by virtue of this Act, at such Times, and in such Manner, as is prescribed in and by an Act passed in the eleventh Year of the Reign of his present Majesty, intituled, *An Act for the more effectual securing the Payments of certain Sums of Money, directed by an Act made in the forty-third Year of the Reign of Queen ELIZABETH, intituled, An Act for the Relief of the Poor, to be paid by the respective Treasurers of every County of England and Wales, for the Relief of the Poor, to be paid by the respective Treasurers of every County of England and Wales, for the Relief of the poor Prisoners of the King's Bench and Marshalsea Prisons; and such Money as shall be judged necessary by the Justices of the Peace in Sessions, to be applied in pursuance of the said recited Act of the fourteenth Year of the Reign of Queen ELIZABETH, for the Relief of Prisoners, and of the said Act of the nineteenth Year of the Reign of King CHARLES the Second, for providing Materials for the setting poor Prisoners on Work, shall be paid out of the Monies arising by this Act.*

No. 1.  
12 George II.  
c. 29.  
Manner of the  
Payment of the  
King's Bench  
and Marshalsea  
Money.  
11 Geo. 2. c. 20

XXIV. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing that shall be done in pursuance or by the Authority of this present Act, in every such Case the Action or Suit shall be commenced within three Months next after the Fact committed, and not afterwards, and shall be laid and brought in the respective County in which the Cause of Action or Suit shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit to be brought shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if it shall appear so to be done, or that such Action or Actions shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Actions or Suit, after the Defendant or Defendants hath or have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendants or Defendants hath or have in other Cases by Law.

Limitation of  
Actions

General Issue.

Treble Cost,

\* See, as to Section III, Rex v. West Riding of York, 12 E. 117



## No. 2.

13 George II. c. 18.—An Act to continue several Laws therein mentioned, \* \* \* \* \* and for extending the Powers and Authorities of Justices of the Peace of Counties touching County Rates, to the Justices of the Peace of such Liberties and Franchises as have Commissions of the Peace within themselves.

VII. **A**ND whereas by an Act passed in the twelfth Year of his present Majesty's Reign intituled *An Act for the more easy assessing, collecting, and levying of County Rates*, several Powers and Authorities are given to the Justices of the Peace in that Part of *Great Britain* called *England*, within the respective Limits of their Commissions, at their General or Quarter Sessions, from Time to Time, to make one General Rate or Assessment for such Sum or Sums of Money as they in their Discretion shall think sufficient to answer all and every the Ends and Purposes of the several Acts therein recited; but there being a Proviso in the said Act, that the same, or any thing therein contained, should not extend, or be construed to extend to make any Persons, Liberties, Divisions, or Places liable to pay to any Rate, to be made in Pursuance of the said Act to which such Person, Liberty, Division, or Place did not, or was not liable to contribute before the passing thereof; some doubts have arisen whether the said Act doth extend to Liberties and Franchises, which are not within the Jurisdiction of the Commissions of the Peace for the Counties in which such Liberties and Franchises lie, and so never did nor were liable to contribute to the said County Rates; To the end therefore that such Liberties and Franchises may not be wholly deprived of the Benefit of the said in part recited Act, it is hereby declared and enacted by the Authority aforesaid, That where any Liberties or Franchises within that Part of *Great Britain* called *England*, have Commissions of the Peace within themselves, and are not subject to the Jurisdiction of the Commissions of the Peace for the Counties, in which such Liberties or Franchises lie, and do not, nor did before the making the said in Part recited Act, contribute or pay to the several Rates made for the said Counties; it shall and may be lawful to and for the Justices of the Peace of such Liberties and Franchises, within the respective Limits of their Commissions, to have, use, and exercise all and singular the Powers, Authorities, and Methods, given or prescribed by the said in Part recited Act, and all such Liberties and Franchises are hereby declared to be subject thereto, in the same Manner to all Intents and Purposes, as Counties at large are; any Thing in the said in Part recited Act contained, or any Law, Usage, or Custom to the contrary thereof, in any wise notwithstanding. (1.)

Justices of Peace for Liberties, to act with the same Power as Justices for the County, in collecting County Rates.

(1.) This Act extends to a Corporation, the Justices of which have, by Charter, exclusive Jurisdiction: and the Sessions may appoint a High Constable and Treasurer, and impose a Rate, in the Nature of a County Rate, although such Officers have never been before appointed, nor any such Rate levied there. Ruled with Respect to Derby. — *Weatherhead v. Drury*, 11 E. 168.

## No. 3.

55 George III. c. 51.—An Act to amend an Act of his late Majesty King George the Second, for the more easy assessing, collecting, and levying of County Rates,—12th. May, 1815.

WHEREAS the Laws now in force, are found ineffectual for the Correction of the Disproportions which now exist, or which may from Time to Time take place, in the Assessments of County Rates; be it hereby enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall be lawful for the Justices of the Peace of the several Counties in that Part of Great Britain called England, assembled at their General or Quarter Sessions, or at any Adjournment or Adjournments thereof, and they are hereby authorized and empowered, whenever Circumstances shall appear to require it, to order and direct a fair and equal County Rate to be made, for all the Purposes to which the County Stock or Rate is now or shall hereafter be made liable by Law, according to the Directions hereinafter mentioned; and for that Purpose, to assess and tax every Parish, Township, and other Place, whether Parochial or Extra-parochial, within the respective Limits of their Commissions, rateably and equally, according to a certain Pound Rate (to be from Time to Time fixed and publicly declared by such Justices) of the full and fair Annual Value of the Messuages, Lands, Tenements, and Hereditaments, rateable to the Relief of the Poor therein, any Law or Statute to the contrary thereof notwithstanding; Provided also, that nothing in this Act contained shall extend or be construed to extend to give any Jurisdiction to the Justices of the Peace of the said several Counties, over any Places situate within the Limits of any Liberties or Franchises having a separate Jurisdiction, which before the passing of this Act were subject to Rates in the Nature of County Rates imposed and assessed by the Justices of the Peace for such Liberties or Franchises, or which were exempt from the Rates of the County in which they lie, either in the Whole or in Part; nor to alter any Proportion of County Rate, payable by any Liberty or Franchise having a separate Jurisdiction, as established between the County and the said Liberty or Franchise, provided such Exemption or Proportion shall have been created by or derived from Grant, Charter, or any special Local Act of Parliament; nor to compel any such Liberty or Franchise, paying to some One or more of the Rates specified in the Preamble of an Act passed in the Twelfth Year of the Reign of His late Majesty King the Second, intituled, *An Act for the more easy assessing, collecting, and levying County Rates,*

No. 3.

55 George III.  
c. 51.Justices in  
General or  
Quarter Ses-  
sions to make a  
fair and equal  
County Rate,  
whenever Cir-  
cumstances ap-  
pear to require  
it.

No. 3. to pay to any other Rate therein mentioned, to which such  
 55 George III. Liberty or Franchise was not liable to contribute before the  
 c. 51. passing of the said Act; nor to repeal or alter the Provisions of any Acts now in Force, which shall have fixed the Times and Places of holding any General or Annual General Sessions or Adjournment thereof, for the assessing the Rates of any County, or for the raising, levying, or collecting the same, but that such Provisions so fixing the Time or Place of holding such General or Annual General Sessions or Adjournment thereof, and of then and there exclusively transacting the Matters therein mentioned respecting the County Rates, shall be and remain in full Force; and that all the Matters and Things which in and by this Act are authorized to be done by the Justices of the Peace at their General or Quarter Sessions; or at any Adjournment or Adjournments thereof, shall be done and performed exclusively at such General or Annual General Sessions or at some Adjournment thereof, and at no other Time or Place than such as shall have been fixed by any such Act.

Justices to require Church-wardens and Overseers to make Returns of Annual Value of Rateable Property.

II. And for the better enabling the said Justices to make such fair and equal County Rates, be it hereby further enacted, That it shall be lawful for them, at any General or General Quarter Sessions of the Peace, or at any Adjournment or Adjournments thereof (to be holden after the passing of this Act) and as often as they shall deem it expedient, and they are hereby authorized and empowered to issue Precepts, signed by their Chairman, or by the Clerk of the Peace under the Authority of the said Court, to the High Constables, Petty Constables, Churchwardens, Overseers of the Poor, Assessors and Collectors of Public Rates and Taxes of or for the several and respective Parishes, Townships, and Places, whether Parochial or otherwise, within their Jurisdiction, or to such and so many of them as to the said Justices shall seem expedient, requiring the said Constables, Churchwardens, and Overseers of the Poor, Assessors and Collectors respectively, to make Returns in Writing to the Justices of their respective Divisions in Petty Sessions assembled (which Returns shall be verified on Oath, at the Time of Delivery, before any two or more such Justices,) of the Total Amount of the full and fair Annual Value of the several Estates and rateable Property within the Parish, Township, or Place, whether Parochial or otherwise, to which they respectively belong, charged or assessed to the Poors Rate at the Time of making such Return, or liable so to be, or charged or assessed on any other Rate or Assessment, whether Parochial or Public, without regard nevertheless to the actual Amounts or Sums assessed on the Property therein, save and except in such Parishes, Townships, or Places only, where such Property is assessed to the full and fair estimated annual productive Value.

Justices acting for Divisions empowered to receive Returns.

III. And be it further enacted, that it shall be lawful for the said Justices so assembled at their General or Quarter Sessions as aforesaid, and they are hereby authorized and empowered from Time to Time whenever they shall deem it expedient for the

Purposes of this Act, also to make an Order or Orders for the Justices of the Peace, within the Limits of their Commissions, to meet from Time to Time, within the several Divisions in and for which they respectively act, and to fix therein the Time of such First Meeting; and the said Justices in their respective Divisions shall have Power to adjourn from Time to Time, until the Purposes of this Act shall be completed; and any two or more such Justices, assembled at any such Meeting, shall receive the Returns of the said Constables, Churchwardens, Overseers, Assessors, and Collectors, causing the same to be verified as before directed, and them and every or any of them to examine on Oath touching any Matters and Things contained in such Returns, as in the Judgment of the said Justices may appear necessary for the Purposes of this Act, and to report their Proceedings to the said Justices assembled at the next or any subsequent General or Quarter Sessions, as they shall have ordered and directed.

No. 3.  
55 George III  
c. 51.

IV. And be it further enacted, That in case any Constable, Churchwarden, Overseer, Assessor, or Collector aforesaid, shall neglect or make Default in making any such Return in Manner aforesaid, to the Precepts which shall be issued by or under the Authority of the said Justices; then and in every such Case each and every such Constable, Churchwarden, Overseer, Assessor, or Collector so neglecting and making Default, (without sufficient Excuse to be allowed by the said Justices in their said General or Quarter Sessions) shall forfeit and pay such Sum and Sums of Money, not exceeding Twenty Pounds, as shall or may be ordered or adjudged by such Justices so assembled as aforesaid, to be levied on the Goods and Chattels of each and every Churchwarden and Overseer of the Poor so neglecting or making Default.

Penalty on  
Churchwardens and Overseers not making Returns.

V. And be it further enacted, That in case of Default by not making due Return of any Matter or Thing required by the Precept of the Justices in General or General Quarter Session assembled, as before directed, it shall be lawful for the Justices in their respective Divisions in Petty Sessions assembled, or any Two or more of them, to issue their Precepts to any Officer or Officers before described, who shall have made such Default, to make the Returns in Writing, as before required, to them, on a Day and at a Place therein to be named, and so from Time to Time as often as shall be necessary; and in case any Officer before described shall neglect or make Default in making any such Return to the Precepts which shall be issued by any two or more Justices acting for the Division wherein such Default shall be made, then and in every such Case each and every such Officer before described, so neglecting and making Default as aforesaid, without sufficient Excuse to be allowed by the said Justices acting for such Division, shall forfeit and pay any Sum not exceeding Twenty Pounds, as shall or may be ordered and adjudged by such last-mentioned Justices, to be levied on the Goods and Chattels of the Officers so neglecting or making Default.

Justices in  
Petty Session  
assembled, empowered to issue  
their Precepts  
to Officers, requiring them to  
make Return  
in Writing.

No. 3. VI. And be it further enacted, That if any Churchwarden or  
 55 George III. Churchwardens, Overseer or Overseers, Assessor or Assessors,  
 c 51 or Collector or Collectors, shall neglect or make Default in  
 making such Return or Returns as aforesaid, or if it shall hap-  
 pen that notwithstanding the incurring of any such Penalty or  
 Penalties as aforesaid, for ~~or~~ on Account of such Neglect or  
 Default, a Return for any Parish, Township or Place, whether  
 Parochial or otherwise, shall not be made within the Time  
 limited for the making thereof, then and in every such Case it  
 shall be lawful for the said Justices, and they are hereby  
 required, either at the said General or Quarter Sessions, or at  
 any Adjournment or Adjournments thereof, or at some subse-  
 quent General or Quarter Sessions to be held for the same  
 County, or at some Adjournment or Adjournments thereof, or  
 at some Petty Sessions, or Adjournment or Adjournments  
 thereof respectively, as the Case may be, to ascertain the  
 annual Value of the Property chargeable to the County Rate,  
 within or for each and every the Parish, Township, and Place,  
 whether Parochial or otherwise, of which the Constable or  
 Constables, Churchwarden or Churchwardens, Overseer or  
 Overseers, Assessor or Assessors, Collector or Collectors, shall  
 have so neglected or made Default in making such Return as  
 aforesaid, by issuing fresh Precepts, or by such other Means as  
 may appear to the said Justices the most convenient and proper  
 towards the obtaining a just and fair Estimate of such  
 annual Value; and the said Justices of the Peace of the  
 County in General or Quarter Sessions, or any Adjourn-  
 ment or Adjournments thereof, assembled, acting on their  
 own Discretion, or on the Report of any Two or more Jus-  
 tices acting in and for any Division of such County, as the  
 Case may be, shall order such Allowance or Compensation  
 to be made to the Persons employed in ascertaining the said  
 annual Value and in making such Returns as aforesaid, as to  
 the said Justices so assembled shall appear reasonable; and  
 all such Allowances and Compensation, and other Expences  
 as shall be thereby incurred, shall be by the said Justices  
 so assembled charged upon the Parish, Township, or Place,  
 whether Parochial or otherwise, of which the Churchwarden  
 or Churchwardens, Overseer or Overseers of the Poor, shall  
 have so neglected or made Default as aforesaid, in Addition to  
 the Proportion of the said County Rate to be paid by such  
 Parish, Township, or Place, whether Parochial or other-  
 wise; and such Allowances, Compensations, and Expences,  
 shall and may be raised, levied, and collected, by such and  
 the like Ways and Means as the said County Rate can or may  
 be raised, levied, and collected, and shall be paid therewith,  
 due Distinction being made in the Case of every such additional  
 Assessment between the Sum or Sums charged for and on ac-  
 count of any such Expences and the Sum or Sums assessed as  
 and for the County Rate.

VII. Provided always, and it is hereby further enacted,  
 That in all Cases and Places as aforesaid, where there are no

Churchwardens or Overseers of the Poor, or where no Rate is made and collected for the Relief of the Poor, or where the Justices of the Peace of any County or of any Division thereof, assembled as aforesaid, for the Purpose of receiving such Returns as aforesaid of the Annual Value of the Property chargeable to the County Rate, shall be of opinion that the Returns made to them do not afford a full, fair, and just Account of the Annual Value of the Property rateable, it shall and may be lawful to and for the said Justices of the Peace so assembled, to summon before them any One or more substantial Inhabitant of such Places respectively, or any other Person or Persons whom they the said Justices may think proper, to give Evidence as to the fair Annual Value of such rateable Property; and then and there to examine such Inhabitant or Inhabitants and other Person or Persons respectively on Oath (which Oath any One or more of the said Justices is and are hereby authorized to administer) as to the Annual Value of such Property.

No. 3.  
George III.  
c. 51.

Parishes may be assessed where no Overseers or Church Wardens, or where no Poor's Rate, or where Returns insufficient.

VIII. And be it further enacted, That in such Place or Places where there is no Poor's Rate, or Overseer of the Poor or Churchwarden, or other Officer, necessary for the Execution of the Provisions of this Act, residing within the Limits of the Jurisdiction of the Justices of the Peace of the County requiring such Returns, and in which there is any Property liable to the Poor's Rate, but not rated or assessed thereto, it shall and may be lawful for the said Justices of the Peace of the County, assembled as aforesaid, or for the Justices of the Peace resident in and acting for any Division of the County in which such Place or Places are situate, at any Petty Sessions or Adjournment thereof, to be holden by them within such Division as aforesaid, and they are hereby authorized and required, to appoint One or more proper Person or Persons to act as Overseer or Overseers, or other such Officer as aforesaid, who is and are hereby authorized, empowered, and required to act within such Place or Places respectively, for effecting the Purposes of this Act; and such Person or Persons respectively shall have the like Powers vested in him or them, and shall be subject to the same Regulations and Penalties for effecting all such Purposes, as fully and effectually to all Intents and Purposes, as if he or they had been appointed Overseer or Overseers of the Poor, or Churchwarden or Churchwardens, or other Officer or Officers, under any Law or Laws now in force.

Where no Poor's Rate or Overseer, Justices to appoint.

IX. And for the better enabling as well the said Justices in General or Quarter Sessions assembled, as the Justices of the several Divisions acting under the Order or Orders of the Justices assembled as aforesaid, respectively, to ascertain the fair Annual Value of all Property liable to be so rated; it is hereby further enacted, That it shall and may be lawful to and for such Justices, or any Two or more of them, from Time to Time, whenever the same may be in the Judgment of such Justices necessary for the more correct Execu-

Justices empowered to call for all Parliamentary and Parochial Assessments, &c.

No. 3. tion of this Act, to cause any of the Books of Assessment of  
 55 George III. any Rates or Taxes, Parliamentary or Parochial, which have  
 c. 51. lately been, are now, or shall hereafter be laid on any Part of  
 the Property liable to be assessed towards the Purposes for  
 which a County Rate is applicable, and the Valuation by  
 which such Assessments ~~are~~ or were made, mentioned, and  
 described, within any Parish or Place within the Limits of the  
 Jurisdiction of the said Justices, in the Hands of any Constable,  
 Churchwarden, Overseer, Assessor, or Collector, to be  
 brought before them or him, and to take Copies or Extracts of  
 and from such Books or any Parts thereof, or to order and  
 direct any Person to take such Copies or Extracts from such  
 Books, in the Hands of them or any of them, without having  
 the same brought before the said Justices, or to call before  
 them any such Constable, Churchwarden, Overseer, Assessor  
 or Collector, to give Evidence respecting the same, as they or  
 he or any of them shall think fit, such Compensation being  
 made to the Person or Persons employed for any of the Pur-  
 poses aforesaid, as the said Justices or any Two or more of  
 them shall think reasonable; and if any Person or Persons, in  
 whose Custody or Power any of the said Books may be, shall  
 neglect or refuse to attend the said Justices with such Book or  
 Books, or to permit any such Copies or Extracts to be taken  
 as aforesaid, or to give such Information or Evidence on Oath  
 as may be required by such Justices (which Oath such Justices  
 or any One or more of them are and is hereby authorized to  
 administer) then and in every such Case, every Person who  
 shall so refuse or neglect, shall for every such Offence forfeit  
 and pay any Sum not exceeding Ten Pounds; and moreover  
 it shall be lawful for such Justices, in the like Cases, from  
 Time to Time to cause Copies of the Total Amount assessed in  
 each Parish, Township, or Place, in respect of any Aids or  
 Taxes payable to His Majesty, His Heirs or Successors, and  
 the Total Amount of the Valuation of the Property on which  
 such Assessments were made in any Year then elapsed, to be  
 made out by the Clerk to the Commissioners of each District  
 within the Limits of the Jurisdiction of such Justices, such  
 Compensation being made to the respective Clerks as the  
 said Justices, or any Two of them, shall think reasonable;  
 and if any such Clerk shall neglect or refuse to make out such  
 Copies within a reasonable Time after his Receipt of the Order  
 of such Justices, every such Clerk shall forfeit and pay the  
 Sum of Twenty Pounds.

Persons au-  
 thorized to en-  
 ter upon Lands,  
 to ascertain  
 Value.

X. And for the better enabling the Churchwardens and  
 Overseers of the Poor, Chief Constables, and other Persons,  
 to make accurate Returns as herein-before required, in Cases  
 where Doubts are entertained; be it further enacted, That it  
 shall be lawful for them, or any of them, or for such other  
 Person or Persons as they may select for that Purpose, by  
 Warrant under the Hands and Seals of any Two or more  
 Justices of the Peace of the County in General or Quarter  
 Sessions assembled, to enter upon, view, and examine all and

any Lands or other Property chargeable to the County Rate, in order to ascertain the annual Value at which the same ought to be charged: Provided always, that no such Entry shall in any Case be made, unless Fourteen Days previous Notice of the Intention of making such Entry shall have been given under the Hands and Seals of the Justices authorizing the same, to the Churchwardens or Overseers, or to the Person or Persons appointed to act, in Default of such Churchwardens or Overseers of the Parish, Township, or Place, whether Parochial or otherwise, and to the Person or Persons whose Lands are to be entered upon for the Purpose of making such Valuation.

No. 3.  
George III.  
16. 51.

XI. And be it further enacted, That whenever the Justices in General or Quarter Sessions assembled shall have ordered any County Rate to be made, which they are hereby authorized to order from Time to Time whenever the same shall be necessary, and the Justices in Petty Sessions shall by any of the aforesaid Ways and Means have ascertained to their own Satisfaction the fair and just annual Value of any or of all the rateable Property within their respective Divisions, and they are hereby required from Time to Time to certify under their Hands the true Amount thereof, to the next General or Quarter Sessions of the Peace for the same County, to the Intent that at such General or Quarter Sessions, or at some Adjournment or Adjournments thereof, or at some subsequent General or Quarter Sessions, or Adjournment or Adjournments thereof, the Justices there assembled may from Time to Time, and as often as they shall deem it necessary, make a fair and equal Rate on all such rateable Property, or correct any Inequalities which upon Appeal shall be shown to their Satisfaction to exist in any Rate now existing or hereafter to be made.

Justices of  
Division to cer-  
tify Value ascer-  
tained to Justices  
in Quarter Ses-  
sions.

XII. And be it further enacted, That it shall be lawful to and for the Justices of the Peace of any County, or the major Part of them, in General or Quarter Sessions, or at any Adjournment or Adjournments thereof, assembled, as often as they shall have deemed it necessary to make a Rate or Rates, Assessment or Assessments on all the rateable Property within the Limits of their Jurisdiction, according to the fair annual Value of the same, as derived from any or all of the several Sources of Information which are herein-before mentioned, and they are hereby authorized and empowered to order Warrants to be from Time to Time issued, in the same Manner as now authorized and practised by Law for collecting the County Rates, to the several High Constables within their respective Counties, ordering and requiring them to issue their Warrants to the respective Overseers of the Poor within their respective Divisions, to levy, collect and pay to the said High Constables, within a Time to be named and limited in a Warrant to be issued from the Sessions as aforesaid, all such Rate or Rates, Assessment or Assessments, which each High Constable shall and he is hereby directed and required to pay, at such Time as shall be specified in such Warrant, to the Treasurer of the County for

Justices autho-  
rized to issue  
Warrants for  
levying new  
Rates according  
to usual Prac-  
tice.



No. 3. the Time being, to be applied and disposed of in such Manner  
 55 George III. and for such Purposes as the County Stock or Rate is now  
 c. 51. applicable or may hereafter be made applicable by Law; and  
 in Case any Overseer or Overseers of the Poor, or other Person  
 appointed to act as such under the Provisions of this Act,  
 in any of the several Parishes, Townships, or Places, whether  
 Parochial or otherwise, within any County liable to pay the  
 same, shall neglect, make default, or refuse to pay the same  
 within the Time to be specified and limited for that Purpose as  
 aforesaid, to the High Constable of the Division within which  
 such Overseer or Overseers, or other Person or Persons so  
 liable and neglecting to pay, shall reside or be appointed to  
 act, it shall and may be lawful for any Justice of the Peace of  
 the said County, upon Complaint thereof made by any  
 such High Constable, by Warrant under the Hand and Seal  
 of any such Justice, to levy the same by Distress and Sale of  
 the Offenders Goods; and the Overseer or Overseers of the  
 Poor of any Parish, Township or Place, whether Parochial or  
 otherwise, or other Person or Persons appointed to act as such  
 Overseers or Overseers, shall and may and is and are hereby  
 empowered to levy and raise by an equal Rate or Assessment  
 upon all and every the several Estates and Property rateable to  
 the Relief of the Poor, within their respective Parishes,  
 Townships or Places, whether Parochial or otherwise, such  
 Sum and Sums of Money as shall be required and necessary,  
 in order to raise the several Sums assessed upon such Parishes,  
 Townships, or Places respectively, or to reimburse such Over-  
 seer or Overseers, or other Person or Persons as aforesaid,  
 such Sum or Sums of Money as they shall respectively have  
 paid on account of the same; such Rate or Assessment to be  
 paid by the Occupier or Occupiers for the Time being of such  
 Estates and rateable Property as aforesaid.

In Places where  
 Poor Rate does  
 not separately  
 apply, Justices  
 may order  
 County Rate to  
 be levied as  
 where no Poor  
 Rate.

XIII. And whereas it would be inconvenient and oppres-  
 sive to many Townships or Places, that the Sum of Money which  
 may be assessed on them, as or for a County Rate under this  
 Act, should be paid out of any Rate made for the Relief of the  
 Poor, where such Poor Rate doth not apply separately and dis-  
 tinctly to the Parish, Township, or Place; be it further enacted,  
 That it shall be lawful for the Justices of the Peace, at their  
 General or Quarter Sessions, or at any Adjournment thereof, if  
 they shall think convenient, to order the Sum of Money  
 directed to be assessed as or for the County Rate on any such  
 Parish, Township, or Place, whether Parochial or otherwise,  
 to be paid and levied on the Churchwardens, Overseers, or  
 Petty Constables, of or for any such Parish, Township, or  
 Place, in such Manner as the same is herein directed to be paid  
 and levied in Cases where no Rate is made for the Relief of  
 the Poor; any Thing herein contained, or any Law, Usage, or  
 Custom to the contrary notwithstanding.

Parishes  
 aggrieved may  
 appeal.

XIV. Provided always, and be it enacted, That if the  
 Churchwarden or Churchwardens, Overseer or Overseers of  
 the Poor, or other Inhabitant or Inhabitants of any Parish,

Township, or Place, whether Parochial or otherwise, where there is no Churchwarden or Overseer, or Person appointed to act as such, shall at any Time have Reason to think that such Parish, Township, or Place, is aggrieved by any Rate now existing or hereafter to be made, either in pursuance of this Act or of any Act or Acts now in force, whether it be on account of the Proportions assessed upon the respective Parishes, Townships, or Places being unequal, or on account of some one or more of them being without sufficient Cause omitted altogether from the Rate, or on account of such Parish, Township, or Place being rated at a higher Proportion of the Pound Sterling according to the fair annual Value of the rateable Property therein, or on account of some other Parish or Parishes, Township or Townships, Place or Places being rated at a lower Proportion of the Pound Sterling according to the fair annual Value of the rateable Property therein, than has been fixed and declared by the Justices of the Peace of the said County, in Sessions assembled, as the Basis of the Rate of the said County, or on account of any other just Cause of Complaint whatsoever; it shall be lawful for such Churchwarden or Churchwardens, Overseer or Overseers of the Poor, or other Inhabitant or Inhabitants where there is no Churchwarden or Overseer, or Person appointed to act as such, to appeal to the Justices of the Peace for the County, at any General or Quarter Sessions, against such Part of the Rate only as may affect the Parish or Parishes Township or Townships, Place or Places, which are unequally rated, or which shall appear to be over-rated or under-rated, or omitted altogether from the Rate; and the said Justices are hereby empowered to hear and finally determine the same, and either to confirm such Parts of the Rate as have been appealed against, or to correct such Inequalities, Disproportions, or Omissions, as shall be proved to exist therein, in such Manner as to them the said Justices shall appear fair, just, and equitable; any Thing in this Act, or any former Act or Acts, or any Law, Usage, or Custom to the contrary thereof notwithstanding: Provided nevertheless, that upon such Appeal, no such Rate shall be quashed or destroyed in regard to any other Parish, Township or Place, unless in Cases where the Justices of the Peace of any County, in General or Quarter Sessions assembled, or the major Part of them, shall deem it necessary to proceed to the making of an entire new Rate, and shall proceed therein according to the Provisions of this Act.

XV. And be it further enacted, That in Case of any Appeals, Actions, Suits, or Proceedings at Law, respecting any Thing done in pursuance of this Act, or any other Act or Acts relating to the County Rate, the Expenses of all such Appeals, Actions, Suits, or Proceedings at Law, shall be borne and paid by such respective Parishes, Townships, Places, and Persons, or such of them, and in such Proportions, as the said Justices shall upon any Appeal, in their General or Quarter Sessions, award and order; or as such Courts, wherein

No. 3.  
George III.  
c. 51.

Expense of  
Appeals to be  
paid by Parish-  
es, or Persons  
appealing.

**No. 3.** such Actions, Suits, or Proceedings shall be instituted, shall  
**55 George III.** adjudge and order; and shall not be charged to or be paid  
**c. 51.** out of the County Rate.

**Power to Jus-**  
**trices to compen-**  
**sate Persons**  
**employed, out**  
**of County Rate.**

**XVI.** And be it further enacted, That it shall and may be lawful for the Justices of the Peace of any County, in General or Quarter Sessions; or any Adjournment thereof, from Time to Time assembled, to order such Allowances and Compensations to be made to the Overseers, Churchwardens, Constables, Assessors, Collectors, Clerks, or other Persons employed in the Execution of this Act, which have not herein before been provided for, from, by, and out of the Monies assessed, levied and collected by any County Rate made under this or any former Act or Acts, as to the said Justices shall appear reasonable and proper.

**Further Al-**  
**lowance to the**  
**Treasurer.**

**1 G. 2. c. 29.**

**XVII.** And whereas the Allowance which the Justices of the Peace are authorized to make to the Treasurer or Treasurers for his or their Care and Pains in the Execution of his or their Office, stands limited by the before recited Act made in the twelfth Year of the Reign of his Majesty King George the Second, to a Sum not exceeding twenty Pounds a Year: And whereas such Sum has been in some, and may be found in many Cases inadequate to remunerate him or them for such Care and Pains; be it hereby further enacted, That so much of the said Act as limits the said Allowance to Twenty Pounds a Year, is hereby repealed; and that it shall and may be lawful for the said Justices of the Peace, at their respective General or Quarter Sessions, or the greater Part of them then and there assembled, to allow to the Treasurer or Treasurers of their Counties, and to every of them insisting on the same, such reasonable Sum or Sums of Money for such Purpose as aforesaid, as they in their Discretion shall think fit, of which they are hereby empowered to direct the Payment out of the Monies arising by the Rates of their respective Counties: Provided always, That no such Augmentation of Allowance shall be made at any such General or Quarter Sessions, unless Application for such Augmentation shall have been made by the said Treasurer or Treasurers, or the Justices of the Peace at some General or Quarter Sessions assembled, and unless Notice of the Intention of taking the said Augmentation into Consideration shall have been advertised for Three successive Weeks in some Newspaper usually circulating in such County, in the Month immediately preceding the Time fixed for considering the same.

**Treasurers of**  
**Counties, or of**  
**Divisions of**  
**Counties to pub-**  
**lish once in**  
**every Year, an**  
**Abstract Ac-**  
**count of their**  
**Receipts and**  
**Expenditures.**

**XVIII.** And be it further enacted, That the said several Treasurers of Counties, or of Divisions of Counties, shall and they are hereby required, once in every Year, to publish in some one of the Newspapers usually circulating in the County or Division of the County in which they respectively act, a true and accurate Abstract of the Account of their Receipts and Expenditures, under their several Heads, for the Year immediately preceding the Publication of such Abstract, signed by the Justices of the Peace who shall have audited the same.

under a Penalty of Fifty Pounds for every Omission of such Publication.

No. 3.

55 George III,  
c. 51.

High Constables to give Security.

XIX. And be it further enacted, That the Justices of the Peace of the said several Counties are hereby authorized and empowered to demand and take, whenever they shall think fit, good and sufficient Security, to be approved of by the said Justices in General or Quarter Sessions assembled, from the High Constables employed in the collecting and levying the Rates; and that if any such High Constable, upon being so called upon by the said Justices, shall neglect or refuse to give such Security as shall be approved by them, it shall then be lawful for the said Justices of the Peace in Quarter Sessions assembled, to order and direct the Churchwardens and Overseers of the Poor, or other Persons appointed to assess, collect, and levy the Rates of any Parish, Township, or Place, to pay the Quota which shall be assessed thereupon towards the County Rate, to the Treasurer of the County, Division, or Place, in which such Parish, Township, or Place, shall be situate; and the Receipt of such Treasurer shall be a sufficient Discharge for the same.

XX. And be it further enacted and declared, That all - and every the Clauses, Powers, Directions, Provisions, and Authorities contained in the said Act made in the Twelfth Year of his late Majesty King George the Second, intituled, *An Act for the more easy assessing, collecting, and levying County Rates*, and also so much of another Act made in the Thirteenth Year of the Reign of his said late Majesty King George the Second, intituled, *An Act to continue several Acts therein mentioned, for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes; for repairing Highways, or Locks or other Works erected by Authority of Parliament for making Rivers navigable; for preventing Exactions of the Occupiers of Locks and Weirs upon the River of Thames Westward, and for ascertaining the Rates of Water Carriage upon the said River: for preventing frivolous and vexatious Arrests; and for better securing the lawful Trade of his Majesty's Subjects to and from the East Indies, and for the more effectual preventing all his Majesty's Subjects trading thither under Foreign Commissions; and for limiting the Time for suing forth Writs of Certiorari upon Proceedings before Justices of the Peace, and for regulating the Time and Manner of applying for the same; for the better and more speedy Execution of Process within particular Franchises and Liberties; and for extending the Powers and Authorities of Justices of the Peace of Counties, touching County Rates, to the Justices of the Peace of such Liberties and Franchises as have Commissions of the Peace within themselves, as relates to County Rates (save and except such Parts thereof respectively as are hereby varied, altered, or repealed) shall be good, valid, and effectual, for the Purposes of assessing, levying, collecting, and enforcing the Payment of the Rate or Rates hereafter to be made in pursuance of this Act, and for carrying this Act into Execution.*

Extending  
former Acts to  
this Act.

12 G. 2. c. 29.

13 G. 2. c. 18

**No. 3.** **XXI.** And whereas several Acts have passed in the Reign of his present Majesty, and are now in force, empowering the Justices of the Peace of certain Counties to make fair and equal County Rates within their respective Counties; be it hereby enacted, That it shall and may be lawful to and for the said Justices respectively, and they are hereby empowered, at any Time and at all Times after the passing of this Act, to proceed in the assessing, levying, and collecting and enforcing the Payment of the County Rate, and in all Matters relating to the equalizing the same, either under the Authority and according to the Provisions and Enactments of this Act, or under the Authority and according to the Provisions and Enactments of the particular Acts affecting their respective Counties, as to them shall seem fit and proper, in all Cases in which the Provisions and Enactments of this Act are not inconsistent with the Provisions and Enactments of such particular Acts.

Forfeitures,  
&c. how to be  
levied and ap-  
plied.

**XXII.** And be it further enacted, That the several Forfeitures and Penalties inflicted by this Act shall, if not immediately paid, be levied by Distress and Sale of the Offenders' Goods and Chattels, by Virtue of any Warrant under the Hand and Seal of any one Justice of the Peace for the County, not only in the County in which the Offence shall have been committed, but in any other County, City, Town, Borough, Franchise, or Place (the Warrant or Warrants for levying the same being in such last-mentioned Case first indorsed by some Justice of the Peace for the County, or Mayor, or other Head Officer of the City, Town, Borough, or Franchise, where any Goods of the respective Defaulters shall be found) returning the Overplus (if any) after the Charges of such Distress and Sale shall be deducted; and in case sufficient Distress shall not be found, then it shall be lawful for such Justices to commit the Offender to the Common Gaol of the said County, there to remain without Bail or Mainprize, for any Time not exceeding three Calendar Months, unless the Forfeitures and Charges be sooner paid; and the said Forfeitures, when recovered, shall be paid to the Treasurer of the County, or of any Division thereof, in which they shall have been incurred, to be applied in aid of the Rates of the said County or Division thereof; and no Person shall be deemed incompetent to be a Witness for the Execution of the Purposes of this Act, or in any Appeal or other Proceeding instituted by Virtue thereof, by reason of his paying or being liable to pay towards the Poor Rates or County Rates within the said County.

Limitation of  
Actions.

**XXIII.** Provided also, and be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons, for any Thing done or to be done by virtue of or in pursuance of this Act, after three Calendar Months next after the Fact committed; and every such Action shall be brought and laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead, at his, her, or their Election, this Act specially

or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance or by the Authority of this Act; and if upon Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall have been brought after the Time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid, then and in every the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and in all Cases where a Verdict shall be found for any Defendant or Defendants in such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover treble Costs, and have the like Remedy for recovering the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cause by Law.

XXIV. And be it further enacted, That where any Ridings or Divisions have separate Commissions of the Peace, or where any Cities, Towns, or other Places, within that Part of Great Britain called England, have Commissions of the Peace within themselves, and are not subject to the Jurisdiction of the Commissions of the Peace for the Counties at large in which such Liberties or Franchises lie, and do not, nor did not before the passing of this Act, contribute or pay to the several Rates made for the said Counties at large, it shall and may be lawful to and for the Justices of the Peace of such separate Jurisdictions within the respective Limits of their Commissions, to have, use, and exercise all and singular the Powers, Authorities, and Methods given or prescribed by this Act; and all such separate Jurisdictions are hereby declared to be subject thereto, in the same Manner to all Intents and Purposes as Counties at large; any Law, Usage, or Custom to the contrary notwithstanding.

No. 3.  
George III.  
c. 51.

Extending the Provisions of this Act to Places that have Commissions of the Peace within themselves

## PART VI. CLASS XII.

### DISTRESS.\*

#### No. 1.

27 George II. c. 20.—An Act for the more easy and effectual Proceeding upon Distresses to be made by Warrants of Justices of the Peace.

No. 1.  
27 George II.  
c. 20.

Justices to limit in the Warrants of Distress,

not less than 4, nor more than 8 Days.

Officer to deduct the Charges of keeping and selling; Overplus to be returned.

**W**HEREAS by many Acts of Parliament, Justices of the Peace are empowered to issue Warrants for the Distress and Sale of Goods and Chattels, but the Charges of distraining, keeping and Sale of such Goods and Chattels are not provided for in all the said Acts, nor is there a Time in all Cases limited for the Sale thereof, whereby Inconveniences have arisen: Therefore for Remedy thereof, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where any Justice or Justices of the Peace is or are, or shall be, required or empowered by any Act or Acts of Parliament now in Force, or hereafter to be made, to issue a Warrant of Distress for the levying of any Penalty inflicted, or any Sum of Money directed to be paid, by or in consequence of such Act or Acts, it shall and may be lawful for the Justice or Justices granting such Warrant, therein to order and direct the Goods and Chattels so to be distrained, to be sold and disposed of, within a certain Time to be limited in such Warrant, so as such Time be not less than four Days, nor more than eight Days, unless the Penalty or Sum of Money for which such Distress shall be made, together with the reasonable Charges of taking and keeping such Distress, be sooner paid.

II. And be it further enacted, That the Officer making such Distress, shall and is hereby empowered to deduct the reasonable Charges of taking, keeping, and selling such Distress, out of the Money arising by such Sale; and the Overplus (if any) after such Charges, and also the said Penalty or Sum of Money shall be fully satisfied and paid, shall be returned on Demand, to the Owner of the Goods and Chattels so distrained; and the Officer executing such Warrant, if required, shall shew the same to the Person whose Goods and Chattels are distrained, and shall suffer a Copy thereof to be taken.

For Statutes relating to Distress for Rent, see Part IV.

III. Provided always, That nothing herein contained No. 1.  
 shall extend, or be construed to extend, to alter or repeal any [27 George II.  
 of the Provisions or Directions relating to Distresses to be c. 20.  
 made for the Payment of Tithes and Church Rates, by the Provisions re-  
 People called *Quakers*, contained in an Act passed in the lating to Tythes  
 seventh and eighth Years of his late Majesty King *William* the in 7 and 8 Wil.  
 Third, intituled, *An Act that the solemn Affirmation and De- 3. c. 34.*  
 clarations of the People called *Quakers* shall be accepted instead  
 of an Oath, in the usual Form; or in one other Act passed in  
 the first Year of his late Majesty King *George* the First, inti- and 1 Geo. 1.  
 tuled, *An Act for making perpetual an Act of the seventh c. 6. not altered.*  
 and eighth Years of the Reign of his late Majesty King *Wil-*  
*liam the Third, intituled, An Act that the solemn Affirmation*  
*and Declaration of the People called Quakers shall be ac-*  
*cepted instead of an Oath in the usual Form; and for ex-*  
*plaining and enforcing the said Act in Relation to the Payment of*  
*Tythes and Church Rates; and for appointing the Form of an*  
*Affirmation to be taken by the said People called Quakers,*  
*instead of the Oath of Abjuration.*

## No. 2.

33 George III. c. 55.—An Act to authorize Justices  
 of the Peace to impose Fines upon Constables, Over-  
 seers, and other Peace or Parish Officers, for Neglect  
 of Duty, and on Masters of Apprentices for ill Usage  
 of such their Apprentices, and also to make Provision  
 for the Execution of Warrants of Distress granted by  
 Magistrates. — [21st. June 1793.]

[Inserted ante, Title *Apprentices*.]



## PART VI. CLASS XIII.

### DOGS.

#### No. 1.

10 George III. c. 18.—An Act for preventing the Stealing of Dogs.

No. 1.  
10 George III  
c. 18.

First Offence  
to forfeit not less  
than 20l. &c.

Subsequent  
Offence to for-  
feit not less than  
30l. &c.

**W**HEREAS the Practice of stealing Dogs hath of late Years greatly increased: For Kemedv whereof may 'it please your Majesty that it may be enacted;' and be it enacted by the King's most excellent Mæjsty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of May one thousand seven hundred and seventy, if any Person shall steal any Dog (I.) or Dogs, of any Kind or Sort whatsoever, from the Owner or Owners thereof, or from any Person or Persons intrusted by the Owner or Owners thereof with such Dog or Dogs; or shall sell, buy, receive, harbour, detain, or keep any Dog or Dogs of any Kind or Sort whatsoever, knowing the same to have been stolen as aforesaid, every such Person, upon being convicted thereof upon the Oath of one or more credible Witness or Witnesses, or by his or her own Confession, before any two or more Justices of the Peace for any County, Riding, Division or Place, shall, for the first Offence, forfeit and pay such Sum of Money, not exceeding thirty Pounds, nor less than twenty Pounds, as to such Justices shall seem meet, together with the Charges previous to, and attending such Conviction, to be ascertained by such Justice before whom such Offender shall be convicted: And in case such Penalty shall not be forthwith paid, such Justices shall commit the Offender to the common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding twelve Calendar Months, nor less than six Calendar Months, or until the Penalty and Charges shall be paid: And if any Person, having been convicted as aforesaid, shall afterwards be guilty of the like Offence, and shall be thereof convicted in like Manner as aforesaid; every such Person shall, for every such Offence, forfeit and pay such Sum of Money, not exceeding fifty Pounds, nor less than thirty

(1.) I apprehend that there is not much Ground for the Doubt of Dr Burn, whether this Provision would extend to stealing a Bitch: the Name being evidently intended to denote the Species. His other Observations on the Act seem intitled to much greater Attention.

Pounds, as to such Justices shall seem meet, together with the Charges previous to, and attending such Conviction, to be ascertained, by such Justices before whom such Offender or Offenders shall be so convicted: Which said Penalties, or any of them, when recovered, shall be paid, one Moiety thereof to the Informer, and the other Moiety to the Poor of the Parish where the Offence shall be committed; and, upon Non-payment thereof, such Justices shall commit the Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time, not exceeding eighteen Months, nor less than twelve Months, or until the Penalty and Charges shall be paid; and such Justices shall also order the said Offender to be publicly whipped, within three Days after such Commitment, in the Town wherein such Gaol or House of Correction shall be, between the Hours of twelve and one of the Clock.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any one or more of his Majesty's Justices of the Peace in or for any County, Riding, Division or Place, upon Information to him or them made for that Purpose, to grant a Warrant or Warrants to search for any Dog or Dogs stolen as aforesaid, and in case any such Dog or Dogs, or the Skin or Skins of such Dog or Dogs, shall upon such Search be found, to take and restore every such Dog or Dogs, or such Skin or Skins, to the Owner thereof; and the Person or Persons in whose Custody or Possession any such Dog or Dogs, Skin or Skins, shall be so found (in case it shall appear that such Person was privy to such Dog or Dogs having been stolen as aforesaid, or that such Skin or Skins was the Skin or Skins of any Dog or Dogs stolen as aforesaid) shall respectively be subject and liable to the like Penalties and Punishments as Persons convicted of stealing any Dog or Dogs, are herein before made subject and liable to.

III. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, that all Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; *videlicet,*

**B**E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ Form of Con-  
in the Year of our Lord \_\_\_\_\_ A. B. is viction,  
convicted before us, \_\_\_\_\_ of his Majesty's Justices of the  
Peace for the County of \_\_\_\_\_ (specifying the Offence,  
and the Time and Place when and where the same was committed,  
as the Case shall be.)

' Given under our Hands and Seals, the Day and Year  
aforesaid.'

### Appeal.

IV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, such Person may appeal

- No. 1. to the Justices of the Peace at the next General Quarter-Ses-  
 10 George III. sion of the Peace to be held for the County or Place wherein  
 c. 18. the Cause of Complaint shall arise, and within four Days after  
 the Cause of such Complaint shall have arisen; such Appellant  
 giving, or causing to be given, fourteen Days Notice at least  
 in Writing, of his or her Intention to bring such Appeal, and  
 of the Matter thereof, to the Persons whose Acts are com-  
 plained against; and, within two Days after such Notice, en-  
 tering into a Recognizance before some Justice of the Peace  
 for such County or Place, with two sufficient Sureties, condi-  
 tioned to try such Appeal, and abide the Order of, and to pay  
 such Costs as shall be awarded by, the Justices at such Quar-  
 ter-Session: And the said Justices at such Session, upon due  
 Proof of such Notice being given as aforesaid, and of the  
 entering into such Recognizance, shall hear and finally deter-  
 mine the Causes and Matters of such Appeal in a summary  
 Way, and award such Costs to the Parties appealing, or ap-  
 pealed against, as they the said Justices shall think proper;  
 and the Determination of such Quarter-Sessions shall be final,  
 binding, and conclusive, to all Intents and Purposes; and no  
 Order made concerning any of the Matters aforesaid, or any  
 other Proceedings to be had, touching the Conviction or Con-  
 victions of any Offender against this Act, shall be quashed for  
 want of Form, or be removed by *Certiorari*, or any other  
 Writ or Process whatsoever, into any of his Majesty's Courts  
 of Record at *Westminster*.

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## PART VI. CLASS XIV.

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### EXAMINATION.\*

#### No. 1.

- 1 and 2 Philip and Mary, c. 10.—An Act touching  
 Bailment of Persons.
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#### No. 2.

- 2 and 3 Philip and Mary, c. 10.—An Act to take Exa-  
 mination of Prisoners suspected of any Manslaughter  
 or Felony.

\* The following Statutes are inserted in Part V., Title *Criminal Pro-  
 ceedings*.

## PART VI. CLASS XV.

## FIREWORKS.

## No. 1.

9 and 10 William III. c. 7.—An Act to prevent the throwing or firing of Squibbs, Serpents, and other Fire-works.

WHEREAS much Mischief hath lately happened by throwing, casting, and firing of Squibbs, Serpents, Rockets, and other Fire-works, some Persons having thereby lost their Lives, others their Eyes, others have had their Lives in great Danger, and several other Damages have been sustained by many Persons, and much more may thereby happen, if not speedily prevented: For Remedy whereof for the future, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the Five and twentieth Day of *March*, One thousand six hundred and ninety-eight, it shall not be lawful for any Person or Persons, of what Age, Sex, Degree, or Quality soever, to make or cause to be made, or to sell or utter, or offer or expose to Sale, any Squibbs, Rockets, Serpents, or other Fire-works, or any Cases, Moulds, or other Implements for the making any such Squibbs, Serpents, Rockets, or other Fire-works, or for any Person or Persons to permit or suffer any Squibbs, Serpents, Rockets, or other Fire-works, to be cast, thrown, or fired from, out of, or in his, her, or their House or Houses, Lodgings or Habitations, or from, out of, or in any Part or Place thereto belonging or adjoining, into any publick Street, Highway, Road, or Passage, or for any Person or Persons, of what Degree, Quality, or Age soever, to throw, cast, or fire, or to be aiding or assisting in the throwing, casting, or firing of any Squibbs, Serpents, Rockets, or other Fire-works, in or into any publick Street, House, Shop, River, Highway, Road, or Passage, and that every such Offence shall be, and is hereby adjudged to be, a common Nuisance.

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons of what Age, Sex, Degree, or Quality soever, from and after the said Five and twentieth Day of *March*, shall make or cause to be made, or shall sell, give, or utter, or offer or expose to sale, any Squibbs, Rockets, Serpents, or other Fire-works, or any Cases, Moulds,

No. 1.  
9 & 10 Will. III.  
c. 7.

No Person  
whatsoever shall  
make, sell, &c.  
Squibbs, Rock-  
ets, Serpents,  
&c. or Cases,  
Moulds, &c. for  
making such  
Squibbs.

Penalty or  
Persons throw-  
ing or firing Squibbs,  
&c.

No. 1. or other Implements for the making of any such Squibbs, 9 & 10 Will. III. c. 7. Rockets, Serpents, or other Fire-works, that then every such Person or Persons so offending, and being thereof convicted before one or more Justice or Justices of the Peace of the County, Limit, Division, Corporation, Liberty, or Chief Magistrate of the Place where such Offence shall be committed, either by the Confession of the Party or Parties so offending, or the Oath of Two Witnesses (which Oath the said Justice or Justices of Peace, or Chief Magistrate, is and are hereby impowered and required to administer) shall for every such Offence forfeit the Sum of Five Pounds; And if any Person or Persons whatsoever, from and after the said Five and twentieth Day of *March*, shall permit or suffer any Squibbs, Serpents, Rockets, or other Fire-works to be cast, thrown, or fired from, out of, or in his, her, or their House or Houses, Shops, Dwelling, Lodging or Habitation, or from, out of, or in any Part thereof, or Place thereto belonging or adjoining, into any publick Street, Highway, Road or Passage, or any other House or Place whatsoever, that then every such Person or Persons so as aforesaid last offending, and being thereof as aforesaid convicted, shall, for every such Offence, forfeit the Sum of Twenty Shillings; the said several Forfeitures to be levied by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal of the said Justice or Justices of the Peace, or Chief Magistrate, before whom such Conviction or Convictions shall be as aforesaid made; the one Half of the said Forfeitures to be to the Use of the Poor of the Parish where every such Offence shall be committed, and the other Half to the Use of him or them who shall prosecute, and cause such Offender or Offenders to be as aforesaid convicted.

or suffering  
them, &c. to be  
thrown or fired  
from their  
Houses.

Forfeitures how  
to be levied and  
applied.

Offender not  
paying Forfeiture  
to be committed  
to the  
House of Cor-  
rection, &c.

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons of what Age, Sex, Degree or Quality soever, from and after the said Five and twentieth Day of *March*, shall throw, cast, or fire, or be aiding or assisting in the throwing, casting or firing, of any Squibbs, Rockets, Serpents, or other Fire-works, in or into any publick Street, House, Shop, River, Highway, Road or Passage, that then every Person so offending, and being thereof as aforesaid convicted, shall, for every such Offence, forfeit the Sum of Twenty Shillings to the Uses aforesaid; and if the Person or Persons so as aforesaid last offending, shall not immediately (upon his, her or their being thereof as aforesaid convicted) pay to the said Justice or Justices of the Peace, or Chief Magistrate, before whom such Conviction shall be as aforesaid made, the said Forfeiture or Forfeitures, for the Uses aforesaid, that then every such Justice or Justices of the Peace, or Chief Magistrate, is and are hereby impowered and required, by Warrant under his or their Hands and Seals, to commit every such Person or Persons, so as aforesaid last offending, to the House of Correction within the County, Division, Limit, Corporation, or Liberty, where such Offence as is last men-

tioned shall be committed, there to remain to be set and kept to hard Labour, without Bail or Mainprize, for any Time not exceeding one Month, unless such Offender as is last mentioned shall sooner pay such Forfeiture or Forfeitures to the said Justice or Justices of the Peace, or Chief Magistrate.

No. 1.  
to Will. III  
c. 7.

IV. Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Master, Lieutenant, or Commissioners of his Majesty's Ordnance for the Time being, or any other Person or Persons to be by them or any of them authorized, to give Orders and Directions for the making any Sorts of Fire-works, to be used and fired according to such Orders and Directions as shall be from Time to Time given by the said Master, Lieutenant, or Commissioners of his Majesty's Ordnance, or any other Person or Persons to be by them for that Purpose authorized; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Officers of the  
Ordnance, &c.  
may order the  
making of Fire-  
works, &c.

V. Provided always, and be it enacted, That it shall and may be lawful to and for the Artillery Company of the City of London, or any other Artillery Company or Society of Persons lawfully met together for the Use and Exercise of Arms, the Trained Bands, the Militia of this Kingdom respectively, to make and use any Sorts of Fire-works in the Exercise and Practice of Arms and warlike Exploits only, in such Manner as they are or any of them might lawfully have done before the making of this Act; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Artillery Com-  
pany of London,  
&c. may use any  
Sorts of Fire-  
works in the  
Exercise of  
Arms, &c.

VI. And be it further enacted by the Authority aforesaid, That if any Person be at any Time sued for putting in Execution this Act, or any the Powers therein contained, that then such Person so sued shall and may plead the General Issue of Not Guilty, and give the Special Matter in Evidence; and if the Plaintiff in such Suit or Action be nonsuit, or a Verdict pass for the Defendant, or if such Plaintiff discontinue his Action, or if upon a Demurrer Judgement be given for the Defendant, every such Defendant shall have his full Treble Costs, to be paid by such Plaintiff, and the like Execution for the same, as in any Case where Costs are given at Law for the Defendant.

General Issue.

Treble Costs.

## PART VI. CLASS XVI.

### FISH.\*

No. 1.  
9 Henry III.  
c. 23.

\* In making the following Collection of the Statutes relating to this title, I have availed myself of the Assistance of Mr. Chally's Appendix to his Treatise on the Game Laws, and on Fisheries; and have interlined all such Statutes connected with the Plan of the Work, as relate to the Subject, although they may not fall immediately within the Object of this Part of it, as relating to the Office of a Justice of Peace. Some of the more ancient Statutes may have become obsolete in Practice, and inapplicable to the existing State of the Law, but as the Space which they occupy is very inconsiderable, I have thought it more eligible that they should be inserted. The Titles only are noticed of such as are of a local Nature, and which relate to the Regulation of the Fishery as a Branch of Commerce; and no Mention is made of those which relate to the Herring or Greenland Fisheries.

#### No. 1.—MAGNA CHARTA.

9 Henry III. c. 23.—In what Places Weirs shall be put down.

**A**LL Weirs from henceforth shall be utterly put down by Thames and Medway, and through all England, except by the Sea-coast.—(Confirmed and amended by 12 Edw. 4, c. 7. —See 2 Inst. 22.—10 Co. 122.—13 Co. 35.) (1.)

(1.) See Weld v. Hornby, 7 East. 195.

#### No. 2.

Stat. Westm. 2 c. 47, Anno. 13 Edward I. Stat 3.

No. 2.  
13 Edward I  
st 3.

The Penalty  
of taking Sal-  
mons at certain  
Times of the  
Year.

**I**T is provided that the Waters of Humber, Ouse, Trent, Don, Aire, Darwent, Wharfe, Nidd, Yore, Swale, Tese, Tines, Eden, and all other Waters (wherein Salmon be taken) within the Kingdom, shall be in Defence for taking Salmon from the Nativity of our Lady unto St. Martin's Day. And that likewise young Salmon shall not be taken nor destroyed by Nets, nor by other Engines at Millpools, from the Midst of April unto the Nativity of St. John Baptist. And in Places where such Rivers be, there shall be assigned Conservators of this Statute, which being sworn, shall oftentimes see and inquire of the Offenders: and for the first Tresspass they shall be punished by burning of their Nets and Engines: and for the second Time, they shall have Imprisonment for a Quarter of a Year: and for the third Tresspass, they shall be imprisoned a whole Year: and as their Tresspass increaseth, so shall the Punishment. (Confirmed by 13 R. 2. st. 1. c. 19. 17 R. 2. c. 9. St. 25 H. 8. c. 7. and see 2. Inst. 477.)

No. 3.

Prærogative Regis, made Anno 17 Edw. II. St. 1. and A. D. 1294. — Cap. 11: His Prærogative in having the Wreck of the Sea, Whales, and Sturgeons.

No. 3.  
17 Edward II.  
St. 1. c. 11.

**A**LSO the King shall have Wreck of the Sea throughout the Realm, Whales and Sturgeons taken in the Sea or elsewhere within the Realm, except in certain Places privileged by the King.

5 Co. 106. 108.  
1 H. 7. f. 23.  
11 H. 4. f. 16.  
9 H. 7. f. 20.  
35 H. 6. f. 27.

No. 4.

13 Rich. II. c. 19. Anno Dom. 1389. — A Confirmation of the Statute of 13 Edw. I. c. 47. touching the taking of Salmon.

*Item,* **W**HEREAS it is contained in the Statute of Westminster the Second, that young Salmon shall not be taken nor destroyed by Nets, nor by other Engines, at Mil-dams, from the Midst of April till the Nativity of St. John Baptist, upon a certain Pain limited in the same Statute: it is accorded and assented, that the said Statute be firmly holden and kept, joining to the same, that young Salmon shall not be taken during the said Time, at Mil-dams nor in other Places, upon the same Pain: And that no Fisher, or Garthman, nor any other, of what Estate or Condition that he be, shall from henceforth put in the Waters, of Thamise, Humber, Ouse, Trent, nor any other Waters of the Realm by the same Time, nor in any other Time of the Year, any Nets called Stalkers, nor other Nets nor Engines whatsoever they be, by the which the Frie or the Breed of the Salmon; Lampreys; or any other Fish, may in any wise be taken or destroyed, upon the Pain aforesaid. And also where it is contained in the same Statute, that all the Waters, in which Salmon be taken within the Realm, shall be put in Defense as to the taking of Salmon, from the Day of the Nativity of Our Lady until St. Martin's Day: it is ordained and assented, that the Waters of Lone, Wyre, Mersee, Rybyl, and all other Waters in the County of Lancaster, be put in Defense, as to the taking of Salmon, from Michaelmas Day to the Purification of Our Lady, and in no other Time of the Year, because that Salmon be not seasonable in the said Waters in the Time aforesaid. And in the Parts where such Rivers be, there shall be assigned and sworn good and sufficient Conservators of this Statute, as it is ordained in the said Statute of Westminster, and that they shall punish the Offenders after the Pain contained in the same Statute, without any Favour thereof to be shewed. St. 17 Ric. II. c. 9.

No. 4.  
13 Richd. II.  
c. 19.

A Confirmation of the Statute of 13 Ed. I. 47 touching the prohibiting of Salmon to be taken certain Times of the Year.  
4 Inst. 51.  
There shall be no Devices practised whereby the Frie of Fish shall be destroyed.

What Time of the Year the Rivers in the County of Lancaster shall be in Defense.

Conservators of this Statute and their Authority.



## No. 5.

17 Richard II. c. 9. Anno Dom. 1393. — Justices of the Peace shall be Conservators of the Statutes made touching Salmons.

## No. 5.

17 Richd. II.  
c. 9.

St. 13 Ed. 1.

St. 1. c. 47.

St. 13 R. 2.

St. 1. c. 19.

Stalkers nor  
other Nets shall  
be used to De-  
stroy the Frie  
or Breed of  
Fish:

The Justices  
of the Peace  
shall be Conser-  
vators of the  
Statutes of

13 Ed. I. c. 47.  
and 13 R. II. c.  
19.

**Item,** WHERE it is contained in the Statute of Westminster the Second, that young Salmons shall not be taken nor destroyed by Nets, or by other Engines at the Stanks of Mills, from the Midst of April till the Nativity of St. John the Baptist, upon a certain Pain limited in the same Statute: and whereas by a Statute made the thirteenth Year of the King that now is, it was ordained, that the said Statute of Westminster the Second, should be firmly holden and kept, joyning to the same, that young Salmons should not be taken at the Mills, Stanks, or elsewhere, upon the said Pain. And that no Fisher nor Garthman, nor none other, of what Estate or Condition that he were, should not put from henceforth in the Waters of Thamis, Humber, Ouse, Trent, nor none other Water of the Realm, by the same Time, nor by none other Time of the Year, any Nets called Stalkers, nor other Nets or Engines whatsoever, whereby the Frie or Breed of Salmons, Lampreys, or of any other Fish whatsoever, may in any wise be taken or destroyed upon the Pain aforesaid: and also it was rehearsed in the said Statute, made the said thirteenth Year, that where it is contained in the same Statute of Westminster, that all the Waters in which Salmons be taken in the Realm, shall be put in Defence as to the taking of Salmons from the Day of the Nativity of our Lady till St. Martin's Day: it was ordained and assented in the Statute made in the said thirteenth Year, that the Waters of Lone, Wire, Mersee, Ribbil, and all other Waters in the County of Lancaster, should be put in Defence as to the taking of Salmons, from the Day of St. Michael, till the Day of the Purification of Our Lady, and in none other Time of the Year, because that Salmons be seasonable in the said Waters by the Time aforesaid: and that in the Parts where such Rivers be, good and sufficient Conservators of the said Statute made the said thirteenth Year, should be assigned and sworn, as it was ordained in the Statute of Westminster, and that they should punish the Offenders upon the Pain contained in the same Statute of Westminster, without shewing any Favour: which Statutes have not been hitherto duly executed for Default of good Conservators, as our said Lord the King hath perceived by Complaint to him made in this present Parliament: wherefore it is accorded and assented, that the Justices of the Peace of all the Counties of England, shall be Conservators of the said Statutes in the Counties where they be Justices; and that they and every of them at all Times, when they may attend, shall survey the Offences and Defaults attempted against the Statutes aforesaid. And also shall survey and search all the Wears in such Rivers, that they shall not be very strait for the Destruction of such Fry and Brood, but of

reasonable wideness, after the old Assise used or accustomed: and that the same Justices, or any of them which shall find Default or Abuse against the Statutes aforesaid, shall make due Punishment of them which be found in Default, after the Contents of the same Statute. And that the same Justices shall put good and sufficient Under-conservators of the same Statutes under them, which shall be sworn to make like Surveying, Search, and Punishment; without any Favour thereof to be shewed. And moreover that the same Justices, in their Sessions, shall enquire as well by their Office, as at the Information of the Under-conservators aforesaid, of all Trespases, Misprisons, and Defaults made against any of the Points aforesaid, and shall cause them which be thereof indicted to come before them; and if they be thereof convict, they shall have Imprisonment, and make Fine after the Discretion of the same Justices. And if the same be at the Information of any of the Under-conservators aforesaid, the same Under-conservator shall have Half of the same Fine. And forasmuch as it is granted to the Citizens of London by the King's Progenitors, that they may remove and take away all the Wears in the Waters of Thamys and Medeway, and that they shall have the Punishments thereof pertaining to the King: our said Lord the King, in this present Parliament, by the Assent aforesaid hath granted, that the Mayor or Warden of London for the Time being shall have the Conservation of the Statutes aforesaid: and shall make thereof due Execution, and like Punishment, as afore is ordained of the Justices of the Peace, in the said Waters of Thamys, from the Bridge of Staines to London, and from thence over the same Water, and in the said Water of Medeway, as far as it is granted to the said Citizens, as afore is said.

No. 5.  
17 Richd. II.  
c. 9.

Under-conservators appointed by the Justices.

The Mayor of London shall have the Conservation of the Statute in the Thamys.

### No. 6.

2 Henry VI. c. 15. Anno Dom. 1429. — No Man shall fasten Nets to any Thing over Rivers.

*Item.* IT is ordained, That the Standing of Nets and Engines, called Trinks, and all other Nets which be and were wont to be fastened and hanged continually Day and Night by a certain Time in the Year, to great Posts, Boats and Ancres, overthwart the River Thames, and other Rivers of the Realm, which Standing is a Cause of as great and more Destruction of the Brood and Fry of Fish, and Disturbance of the common Passage of Vessels, as be the Wears, Kydels, or any other Engines, be wholly defended for ever. And that every Person that setteth or fasteneth them hereafter to such Posts, Boats, and Ancres, or like Thing, continually to stand as before is said, and be duly thereof by the Course of the Law convict, shall forfeit to the King 100 Shillings at every Time that he is so

No. 6.  
2 Hen VI.  
c. 15.

The Penalty of those which do fasten Trinks, or other Nets over any River.

No. 6.  
4 Hen. VI.  
c. 19  
In what Sort  
Owners of  
Trinks may  
Fish with them.

proved in Default. Provided always, That it shall be lawful to the Possessors of the said Trinks, if they be of Assise, to fish with them in all seasonable Times, drawing and pulling them by Hand as other Fishers do with other Nets; and not fastning or tacking the said Nets to Posts, Boats, and Ancres, continually to stand as afore is said. Saving always to every of the King's liege People their Right, Title, and Inheritance in their Fishings in the said Water.

No. 7.

31 Henry VIII. c. 2 A. D. 1589.—An Act that Fishing in any several Pond, or Mote, with an Intent to steal Fish out of the same, is Felony.

No. 7.  
31 Hen VIII.  
c. 2.

WHEREAS divers and many of the Lords, Knights, Esquires, Gentlemen, and other the King's Subjects within this his Realm, at their great Costs and Charges have caused to be made within their several Grounds, many Ponds, Stews and Motes, and stored them with divers Kinds of Fishes, as Pikes, Bremes, Carps, Tenches, and other Fishes, whereof they have thought to have had great Commodity, as well for the Pleasure of their Friends as for their own Commodity and Profit towards the necessary Finding of their Houses; divers and many light and unreasonable Persons of this Realm, being of no good Rule nor Honesty, little or nothing regarding God, the Fear of their Sovereign Lord the King's Highness, nor his Laws; have not only fished the said Ponds, Stews and Motes, as well by Night as by Day, with Nets, Hooks, and Baits of divers Sorts, but also with great Number of misruled Persons have entered into such Grounds, and there with great Violence have broken up the Heads of the same Ponds, Stews and Motes, and destroyed and taken the Fish of the said Pond, Stews, and Motes, to the great Displeasure and Losses of the Owners of the said Ponds, Stews, and Motes, and contrary to all good Reason, Right, and Conscience.—Wherefore, he it enacted by the King our Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That as well all Manner of Fishings with any Nets, Hooks, or Baits, of what Kind soever they be, in any several Pond, Stew, or Mote, with an Intent to steal Fish out of the same, done or committed at any Time after the Feast of the Nativity of St. John Baptist next coming, that is to say, in the thirty-first Year of the Reign of our said Sovereign Lord, from the Hour of Six in the Even-tide, unto the Hour of Six in the Morning, against the Wills and Minds of the Owners or Possessioners of such Ponds, Stews, or Motes; as also the unlawful Breaking-up of the Head of any several Pond, Stew, or Mote, by Day or by Night, after the said Feast, without Colour of Title so to do, whereby any Fish of the same Pond, Stew or Mote, is taken or destroyed,

All Fishing  
with Nets, &c.  
with Intent to  
steal Fish in the  
Night, or  
breaking the  
Head of a Pond  
to take Fish,  
shall be Felony.  
This Section  
enacted by  
E. 6. c. 12.  
M. s. 1. c. 1.

against the Will or Mind of the Owner or Possessioner of the same, be to all intents deemed, taken, and adjudged Felony; and that those Persons so offending shall have and suffer all such Pains of Death and Punishments, as other Felons ought to have and suffer for Felony by the Course of the Laws of this Realm.

No. 7.

31 Henry VIII.  
c. 2.

II. And also be it further enacted by the Authority aforesaid, That if any such evil-disposed Persons, after the Feast before limited, do fish in the Day-time, at any other Time than is before rehearsed, in any such several Ponds, Stews, or Motes, with any Manner of Nets, Hooks, or Bait, as is aforesaid, what Kind soever they be of, against the Will, Pleasure and Mind of the Owners or Possessors of the same several Ponds, Stews, or Motes, not having any Manner of Colour of Title so to do, and thereof be lawfully convict at the Suit of our Sovereign Lord the King, or the Party grieved, that then the said Parties so convicted shall suffer Imprisonment by the Space of three Months, and after the said three Months expired, shall find sufficient Surety for his or their good abiding, or else to remain still in Prison without Bail or Mainprize, unto such Time he or they can find such Surety.

Punishment of  
Persons fishing  
in Day-time.

## No. 8.

1 Eliz. c. 17.—An Act for the Preservation of Spawn and Fry of Fish.

**F**OR the Preservation hereafter of Spawn, Fry, and young Breed of Eeles, Salmons, Pikes, and of all other Fish, which heretofore hath been much destroyed in Rivers and Streams, salt and fresh, within this Realm, in so much that in divers Places, they feed Swine and Dogs with the Fry and spawn of Fish, and otherwise (lamentable and horrible to be reported) destroy the same to the great Hinderance and Decay of the Commonwealth; be it therefore enacted by the Queen's most excellent Majesty, the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That no Person or Persons, of what Estate, Degree, or Condition soever he or they be, from and after the first Day of June next coming, within any Manner of Net, Weele, But, Taining, Kepper, Lime, Crake, Raw, Fagnet, Troinet, Trimenet, Trimbole, Staltpote, Web-lister, Seur, Lammnet, or with any Device or Engine made of Hair, Wooll, Line or Canvas, or shall use any Heling Net, or Trim-boat, or by any other Device, Engine, Cawtel, Wayes or Means whatsoever, heretofore made or devised, or hereafter to be made or devised, shall take and kill any young Brood, Spawn, or Fry of Eeles, Salmon, Pike or Pikerel, or of any other Fish, in any Floudgate, Pipe at the Tail of a Mill, Weare, or in any Straits, Streams, Brooks, Rivers, fresh or salt, within this Realm of England, Wales, Berwick, or

No. 8.

1 Eliz. c. 17.  
No Person  
shall take the  
Spawn or Fry  
of any Fish.  
13 Edw. 1. c.  
47.

**No. 8.** the Marches thereof; nor shall, from and after the first Day of June next coming, by any of the Ways and Means aforesaid, or otherwise, in any River or Place above specified, take and kill any Salmon or Trowts, not being in Season, being kepper Salmon or kepper Trowts, shedder Salmon, or shedder Trowts.

Of what Length Fishes must be, that shall be taken and killed.

**II.** And be it further enacted by the Authority aforesaid, That no Person or Persons, of what Estate, Degree, or Condition he or they shall be of, from and after the said first Day of June, by any of the Means aforesaid, in any of the Rivers or Places above-named, shall take and kill any Pike or Pikerel, not being in Length ten Inches, or more; nor any Salmon, not being in Length sixteen Inches, and more; nor any Trowt, not being in Length eight Inches, or more; nor any Barbel, not being in Length twelve Inches, or more.

Of what Mesh each Net shall be.

**III.** And, to the Intent the said young Fry, Brood, or Spawn, may be preserved according to the true Meaning hereof, be it further enacted by the Authority aforesaid, That no Manner of Person or Persons, from and after the first Day of June next coming, shall fish, or take Fish with any Manner of Net, Trammel, Kepe, Wore, Hivie, Crele, or by any other Engine, Device, Ways or Means whatsoever, in any River or other Places above mentioned, but only with Net or Trammel, whereof every Mesh or Mask shall be two Inches and a half broad, Angling excepted.

What Nets or other Devices may be used for the taking of small Fish.

**IV.** Provided nevertheless, and be it enacted by Authority aforesaid, That in all such Places where Smelts, Loches, Minneis, Bulheads, Gudgeons, or Eeles have been used to be taken and killed, that in all such Places it shall be lawful only for the taking of Smelts, Loches, Minneis, Gudgeons and Eeles, to use such Nets, Lepas, and other Engines, Devices, Ways and Means, as heretofore have been used for the taking of the same; so that such Person or Persons using or occupying such Nets or other Engines, as is last afore mentioned, do not take, kill, or destroy any other Fish with the said Nets or Engines, contrary to the Tenour and Form above in this Statute contained.

The Penalty of the Offender. Altered by 1 Geo. 1. c. 14. 27. 2. c. 13. s. 14

**V.** And be it further enacted, That if any Person or Persons, after the above said Day limited in this present Act, offend in any of the Points before rehearsed, contrary to the Tenour, Form, and Purpose of any Part of the same, that then every such Person and Persons so offending shall lose and forfeit, for every Time of his or their Offence, the Sum of twenty Shillings, and the Fish so taken contrary to the Tenour hereof, and also the unlawful Nets, Engines, Devices, and Instruments whatsoever they be, wherewith or whereby such Offence shall fortune to be made, committed, or done.

What Persons shall have Authority to enquire of and determine the

**VI.** And to the Intent that a perfect Execution may be had of this present Act, be it further ordained by Authority aforesaid, That the Lord Admiral of England, and the Mayor of the City of London for the Time being, and all and every other Person and Persons, Bodies Politick and Corporate,

which by Grant or other lawful Ways or Means, lawfully have or ought to have any Conservation or Preservation of any Rivers, Streams, or Water, or Punishments and Corrections of Offences committed in any of them, shall have full Power and Authority, by Virtue of this Act, to enquire of all the Offences to be committed and done contrary to the Effect and true Meaning of this Act, within his or their such lawful Rule, Government, Jurisdiction, and Conservancy, by the Oaths of twelve Men or more, and to hear and determine all and every the same Offences committed within his or their such Jurisdiction, Conservancy, Rule and Government.

No. 8.  
1 Eliz. c. 17.  
Offences aforesaid, and who shall have the Forfeitures.

VII. And that all such Pains and Forfeitures, as shall rise or grow by the Reason of any such Conviction for any the Offences aforesaid, shall be to the Use of every of the said Person and Persons, being no Body Politick or Corporate, nor Head of any Body Politick or Corporate, before whom such Conviction, as is aforesaid, shall be had, and to the Use of every such Body Politick and Corporate, as heretofore have lawfully had any Fines, Forfeitures, and Amerciaments for any Offence lawfully committed or done, in any such their Jurisdiction or Conservancies, upon Conviction had before the Head of any such Body Politick or Corporate.

VIII. And that also the Lord of every Leet within this Realm of England and Wales, or the Dominions of the same, shall have full Power and Authority to enquire of all the Offences contrary to the Purport, Tenour, and Form of this Estatute within the Precinct to thier said Leet; such Enquiry to be had in Manner and Form, and after such Sort, as common Amerciaments, or other Things inquirable in their Court Leet, have been lawfully used and accustomed to be had and made.

IX. And that upon every such Presentment had in any Court or Leet, by the Oath of twelve Men or more, as is aforesaid, of any Offence or Offences made contrary to the Tenour of this Estatute: that then all such Forfeitures above in this Estatute limited and appointed for such Offence, shall be unto the Lord of the said Leet for the Time being, to his own Use for Ever, and shall be levied in such Manner and Form, as Amerciaments for Affrays committed within the Precinct of such Leet have been used and accustomed to be levied.

X. And if any Leet, after the said first Day of June, be kept within this Realm of England or Wales, or the Dominions thereof, and the Steward of the said Leet for the Time being, or other for him, do not charge the Jury sworn in such Leet, to enquire of all the Offences done within the Precinct of the said Leet, contrary to the Tenour and Form of this Estatute; that then the Steward of the said Leet to lose and forfeit forty Shillings; the one Moyety of which Forfeitures shall be to the Queen's Majesty, her Heirs and Successors, and the other Moyety to him that will sue for the same. And if any Jury sworn in any Leet, and being charged to

The Forfeiture of the Steward of a Leet, that doth not give this Statute in charge.

**No. 8.** enquire of the Offences committed within the Precinct of that  
 1 Eliz. c. 17. Leet, do lawfully and willingly conceal and make Default  
 in Presentment, or do not present the Offence and Offenders;  
 The Forfeiture of a Jury in a Leet, that doth conceal any Offence. that then it shall be lawful to the Steward or Bailly of the Leet, or his or their Deputy for the Time being, to impanel one other Jury within the said Leet, and to enquire of such Concealment, Default, or Non-presentment, and that upon such Concealment, Default, or Non-presentment, found and presented, every of the said Jurors, which so did conceal, make default, or not present, shall lose and forfeit for every such Offence twenty Shillings, to the Lord of the said Leet, the same to be levied in Manner and Form as is aforesaid, for the other Offences limited and expressed

Who may punish the said Offences, if they be not presented in the Leet.

**XI.** And it is further enacted by Authority aforesaid, That if the Offences above-mentioned, touching the Taking, Killing, or Destroying of Fish, or Fry, and Spawn, be not presented at the Leet where they shall be committed, within one Year next after the Offence committed, that the Justices of Peace in their Sessions, Justices of Oyer and Determiner, and Justices of Assize in their several Circuits, shall have full Power and Authority to enquire thereof, and to hear and determine all the Offences committed contrary to the Tenour of this Estatute.

A Saving of the Liberties of all Persons having Right to enquire of and punish the said Offences.

**XII.** Saving always to all and every Person or Persons, Bodies Politick and Corporate, and every of them, all such Right, Title Interest, Claim, Privilege, and Conservation, and Enquiry, and Punishment of and for any the Offences aforesaid, as they or any of them lawfully have and enjoy, or of Right ought to have and enjoy, by any Manner of Means, any Thing in this Act to the contrary notwithstanding. This Act to endure to the End of the next Parliament. (*Continued, see below.*)

To what Persons or Waters this Statute doth not extend.

**XIII.** Provided always, That this Act, nor any Thing therein contained, shall not extend to the Fishing of the River of Water of Tweed; nor to any River or Water whereof the Queen's Majesty is answered of any yearly Rent or Profit; nor to the Owners, Farmers, and Occupiers of the Rivers of Uske, or Wye, in the County of Monmouth, for any Fish hereafter to be taken in any the Rivers or Waters before-mentioned and expressed: but that it shall be lawful, at all seasonable Time and Times hereafter, for such as have or shall have any Manner of Interest therein, to take and fish the said Rivers and Waters in such Manner and Form, as heretofore hath been used and accustomed, not using any Net or Engine, to the Intent willingly to take, kill, and destroy the Spawn, Breed, or Fry, breeding any Kind of Fish within the said several Rivers or Waters; this Act or any Thing therein mentioed or contained to the contrary notwithstanding.  
 3 Car. 4. made perpetual, except as to this last Section. See 3 Jac. 1. c. 12. 30 Car. 2. st. 1 c. 9. 4, & 5 W. & Mary, c. 23. 4 Ann. c. 21. 9 Ann. c. 26. 1 Geo. 1. st. 2. c. 18. 3 Geo. 1. c. 18. 23 Geo. 2. c. 26. s. 7. 26 Geo. 2. c. 9. 30 Geo. 2. c. 21 & 30. — and 33 Geo. 2. c. 27.

## No. 9.

5 Eliz. c. 21. A. D. 1562. — An Act for punishing of unlawful taking of Fish, Deer, or Hawks.

**W**HERE as well the Queen's Majesty, and her Most Noble Progenitors, as also the Noblemen, Gentlemen, and divers other Persons of great Dominions, Lordships, Manors, and Possessions within this Realm, have of ancient and long Time had, and many of them now of late, to their great Costs and Charges, for the necessary and better Provision and Maintenance of their Households, have erected and made in and upon their several Demeans, Grounds, and Possessions, as well Pooles, Stagnes, Stewes, Motes, Pits, or Ponds, for the only Increase of Fish, and have stored the same with Pikerel, Breme, Tench, Carp, and divers others good Kinds of Fish for the necessary Increase of Victuals, and for the better Maintenance and Provision of their Houses, as is aforesaid, and also have imparked, environed, and enclosed many Parcels of their said Demeans, Soils, Grounds, and Possessions, for the breeding, cherishing, and increase, as well of red as fallow Deer, within their several Parks and Inclosures, for the Causes afore-declared, and also have, breeding within their Woods and Grounds, divers Eyries of Hawks of sundry Kinds, to their great Pleasure and Commodity: Yet nevertheless, the said several Waters, Grounds, Parks, and Inclosures so being had, erected and made, and also being so stored and replenished, have been from Time to Time by evil-disposed Persons, of a very evil, wilful and insolent Disposition, and of Malice and Displeasure, not only by Night-time, broken and entered into, but also the Heads or Dammes of the said Ponds, Pools, Stagnes, Motes, Stews, or several Waters, have been maliciously, wilfully, and unlawfully cut out, and the Pales, Fences, and Inclosures of the said Parks and Grounds broken, cast down, and set open, and the Fish, Deer, and Hawks within the same, taken, destroyed, carried away, and stolen, not only to the great Loss and Damage of the Owners thereof, and to the small Encouragement of other good Subjects, minding the careful Provision of such necessary Victuals, but also to the manifest emboldening of many like wilful Malefactors and malicious Offenders, whereby many Riots, Manslaughters, Mischiefs, and other Inconveniencies have been daily perpetrated, and are like to be committed and done, if circumspect Remedy be not hereunto provided.

II. Be it therefore enacted by the Queen's Majesty, the Lords Spiritual and Temporal, and the Commons of this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, after the Feast of Pentecost next coming, shall at any Time by Day or by Night, unlawfully without Authority, break, cut down, cut out or destroy any Head or Heads, Dam or Damme of any Ponds, Pools, Motes, Stagnes, Stewes, or several Pits, wherein Fish

No. 9.

5 Eliz. c. 21.

How Persons for unlawful fishing, hunting in a Park, & taking of Hawks or Hawks' Eggs out of another's Ground, shall be punished.

The Penalty for Destroying of any Pool, Pond, &c. or for the Taking of any Fish.

31 H. 8 c. 2.



No. 9. are, or shall happen to be put in or stored withal by the  
 5 *Ejz. c. 21.* Owners or Possessioners thereof, or do or shall wrongfully fish  
 in any of the said several Ponds, Pools, Motes, Stagnes,  
 Stewes, or Pits, to the Intent to destroy, kill, take, or steal  
 away, any of the same Fish against the Will, Mind or Plea-  
 sure of the Owners or Possessioners of the same, not having any  
 lawful Title or Authority so to do, and thereof be lawfully  
 convicted, at the Suit of our Sovereign Lady the Queen,  
 her Heirs or Successors, or the Party grieved, shall suffer  
 Imprisonment of his or their Bodies by the Space of three  
 Months, and shall yield and pay to the Party grieved his  
 treble Damages; and after the said three Months expired shall  
 find sufficient Sureties for his or their good Abearing against the  
 Queen our Sovereign Lady, her Heirs and Successors, and all  
 her liege People for the Space of seven Years after; or  
 else shall remain and continue still in Prison without Bail  
 or Mainprize, until such Time as he or they, so offending,  
 can and shall find sufficient Sureties, during the said Time and  
 Space of seven Years, as is aforesaid.

[III. The Penalty for Breaking of a Park and Hunting of Deer. 3 *Jac.*  
 1. c. 13. Co. Pl. 981. — The Penalty for Taking of Hawks or Hawk's Eggs  
 out of another's Grounds.]

[IV. A Park inclosed without Licence of the Queen, &c.]

The Remedy  
 of the Party  
 grieved  
 and  
 before whom.

V. Provided always, and be it enacted by the Authority  
 aforesaid, That it shall be lawful for the Party grieved to sue  
 and take his further Remedy against all and every such Offender  
 and Offenders, for his Loss and Damages, and to recover the  
 treble Value of the same in this Behalf as well before Justices  
 of Oyer and Determiner, Justices of Assizes in their Circuits,  
 and Justices of the Peace, as elsewhere, in any other the  
 Queen's Courts of Record; and that upon the true Satisfaction  
 of the said Treble Damages to the Party grieved, or upon the  
 Confession and Knowledge thereof by the same Party, before  
 the said Justices in open Sessions to be holden, within the  
 County where the Offence was committed, it shall be at the  
 Liberty of the same Party grieved, to whom the said Offence  
 was committed, to release at his Pleasure the said Sureties of  
 good Abearing, at any Time within the said seven Years, or  
 before; any Thing in this present Act before specified or  
 expressed to the contrary notwithstanding.

The Party  
 grieved may re-  
 lease the Sure-  
 ship of good  
 Abearing.

What Justices  
 may hear and  
 determine the  
 Offences afore-  
 said.

VI. And be it further enacted by the Authority aforesaid,  
 That the Justices of Oyer and Determiner, Justices of Assize  
 in their Circuits, and Justices of the Peace and Gaol Delivery  
 in their Sessions, shall, by virtue hereof, have Power and  
 Authority to enquire, hear and determine all and singular  
 the Offences aforesaid, and to make and award Process there-  
 upon, as well upon Indictments taken before them, as by Bill  
 of Complaint, Information, or any other Action; in which  
 Suit or Action no Essoign, Wager of Law, nor Protection  
 shall be allowed.

In what Case  
 the Justices of  
 Peace may

VII. And be it further enacted by the Authority afore-  
 said, That if any Person or Persons, at any Time hereafter,

shall fortune to be bound before any of the Justices before-mentioned, to the Queen, her Heirs, or Successors, for his or their good Abearing for seven Years according to the Tenour of this Act, and the same Party or Parties so bound, shall afterwards, within the said seven Years, come before the Justices of the Peace of the said County where the said Offence was committed, or some of them, in open Sessions, and there in the said open Sessions confess and acknowledge his or their said Offence or Offences, and be sorry therefore, and satisfy the Party or Parties grieved, according to the Tenour of this Act; that then the said Justices, before whom the Confession shall be so made, shall and may have Power and Authority, by virtue of this Act, in the same open Session, or in any other open Session afterwards to be holden before the said Justices in the said County, within the said Term of seven Years, if it shall seem good to their Discretions, to discharge the said Recognizance and Bond so taken, and also the said Party and Parties so bound; this Act or any Thing therein contained to the contrary notwithstanding.

No. 9.

5 Eliz. c. 21.

release the Of-

fender of the

good Abearing.

See 1 Jac. c.

27.

7 Jac. c. 13.

22 &amp; 23 A. 2.

c. 25

4 &amp; 5 H. &amp; M.

c. 25.

5 Ann. c. 14.

9 Ann. c. 25.

3 Geo. 1. c. 11.

8 Geo. 1. c. 19.

10 Geo. 2. c. 32.

28 Geo. 2. c. 12

## No. 10.

13 James I. c. 12. A. D. 1605.—An Act for the better Preservation of Sea Fish.

**F**ORASMUCH as it is certainly known by daily Experience, that the Brood of Sea-fish is spawned and lieth in still Waters, where it may have Rest to receive Nourishment, and grow to Perfection, and that it is there destroyed by Wears, Draw-nets, and Nets with Canvas, or like Engines in the Middle or Bosom of them, in Harbours, Havens, and Creeks within this Realm, to the great Damage and Hurt of Fishermen, and Hindrance of the Common-wealth, for that every Wear near the Main Sea taketh, in twelve Hours, sometimes the Quantity of five Bushels, sometimes ten, sometimes twenty or thirty Bushels of the Brood of Sea-fish; and also those which use Draw-nets, Nets with Canvas, or Engines in the Midst of them, do every Day they fish destroy the Brood of all the Sorts of Fish aforesaid in great Multitudes:

No. 10.

13 Jas. I. c. 12

13 Ed. 1. c. 47

The Forfeiture for setting

up of a new

Wear, or for

Destroying the

Spawn or Fry

Fish.

II. For Reformation whereof be it enacted by the Authority of this present Parliament, That every Person and Persons that from and after the five and twentieth Day of July next ensuing this Session of Parliament, shall erect or set up any new Wear or Wears along the Sea-shore, or in any Haven, Harbour, or Creek, or within five Miles of the Mouth of any Haven or Creek, or shall willingly take, destroy, or spoil any Spawn, Fry, or Brood of any Sea-fish, (1.) in any Wear or other Engine or Device whatsoever, shall forfeit for every Time so erecting, setting up, taking, destroying, or spoiling,

Forfeiture for Fishing with certain Nets and Engines.

No. 10. contrary to this Act, the Sum of ten Pounds of good and lawful  
 13 Jas. I. c. 12. Money of England, the one Half to the King's Majesty, his  
 Heirs or Successors, and the other Half to him that will sue  
 for the same: and that every Person which after the first Day  
 of October next ensuing this Session of Parliament in any  
 Haven, Harbour, Creek, or within five Miles of the Mouth of  
 any Haven, Harbour, or Creek of the Sea, shall fish with any  
 Draw-net or Drag-net under three Inches meash, viz. one  
 Inch and an half from Knot to Knot, except for the taking of  
 Smoulds in Norfolk only, or with any Net with Canvas, or  
 other Engine or Devise, whereby the Spawn, Fry, or Brood  
 of Sea-fish may be destroyed, shall forfeit such Net, and also  
 forfeit for every Time so doing, ten Shillings of lawful Money  
 of England, the one Half to the Use of the poor People of the  
 City, Town Corporate, Borough, Market Town, Parish, or  
 Liberty, where the Offence or Offences shall be committed,  
 and the other Half to the Person that shall sue for the same;  
 the said Forfeitures to be levied to the Uses aforesaid, by the  
 Mayor, Bailiff, or other Head Officer of every City, Borough, or  
 Town Corporate: and by Warrant of one or more Justices of  
 Peace, it shall be lawful for the Constables and Churchwardens  
 of every Market Town, Parish, or Liberty within which  
 any such Offence or Offences shall be done, by way of Dis-  
 tress and Sale of the Offender's Goods rendering to them  
 the Surplusage, according to the Order of former Statutes in  
 such Cases of Forfeitures ordained.

III. Provided always, That this Act, or any Thing  
 therein contained, shall not extend to punish any Person or  
 the Persons for using any Net or Nets of lesser Meash than is by  
 Statute appointed, only for taking of Herrings, Pilchards,  
 Sprats, or Lavidnian; any Thing in this Act to the contrary  
 in any wise notwithstanding.

What Sort of  
 Fish may be  
 taken with the  
 Nets prohibi-  
 ted.

IV. Provided further, That this Act shall not extend to  
 the Isle and County of Anglesey.

#### No. 11.

22 & 23 Car. II. c. 25. A. D. 1670. — An Act for  
 the better Preservation of the Game, and for secur-  
 ing Warrens not inclosed, and the several Fishings  
 of this Realm.

[Inserted post. Title Games.]

#### No. 12.

30 Car. II. c. 9. A. D. 1678. — An Act for Preser-  
 vation of Fishing in the River of Severn

## No. 13.

4 and 5 William and Mary, c. 23.—An Act for the more easy Discovery and Conviction of such as shall destroy the Game of this Kingdom.

[Inserted post., Title Game.]

## No. 14.

10 and 11 William III. c. 24. A. D. 1690.—An Act for making Billingsgate a free Market for Sale of Fish.

## No. 15.

4 Annæ, c. 21. A. D. 1705.—An Act for the Increase and better Preservation of Salmon and other Fish, in the Rivers within the Counties of Southampton and Wilts.

## No. 16.

4 Annæ, c. 26. A. D. 1710.—An Act for the better Preservation and Improvement of the Fishery within the River of Thames, and for regulating and governing the Company of Fishermen of the said River.

## No. 17.

1 George I. St. 2, c. 18. A. D. 1714.—An Act for the better preventing fresh Fish taken by Foreigners being imported into this Kingdom; and for the Preservation of the Fry of Fish; and for the giving Leave to import Lobsters and Turbets in Foreign Bottoms; and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called England.

IV. **A**ND whereas of late Years the Breed and Fry of Sea-fish has been greatly prejudiced and destroyed by the Use of Nets of too small Size or Mesh, and by other illegal and unwarrantable Practices; be it enacted by the Authority aforesaid, That from and after the twenty-fifth Day of September, One thousand seven hundred and sixteen, if any Person or Persons shall use at Sea, upon the Coast of that Part of Great Britain called England, any Traul-net, Drag-net, or Set-net whatsoever, for the catching of any Kind of Fish

No. 17.

1 Geo. 1. 18.

Meshes of

Nets to be three

Inches and an

half from Knot

to Knot

No. 17. (except Herrings, Pilchards, Sprats, or Lavidnian) which hath  
 1 Geo. I. c. 18. any Mesh or Moke of less Size than three Inches and an half at  
 least from Knot to Knot, or which hath any false or double  
 Bottom, Cod or Pouch, or shall put any Net or Nets, though  
 of legal Size or Mesh, upon or behind the others, in order to  
 catch or destroy the small Fish which would have passed  
 through any single Net of three Inches and half Mesh, all and  
 every such Person and Persons so offending shall forfeit all and  
 singular such Net or Nets, so used contrary to the true Intent  
 and Meaning hereof, and also for every such Offence the Sum  
 of twenty Pounds of lawful Money of Great Britain, to be  
 recovered and levied in such Manner and Form as the Penalty  
 above inflicted upon the Master of any Vessel, wherein Fish  
 shall be imported contrary to this Act, is above directed to be  
 recovered and levied; and in Default of Payment of the said  
 twenty Pounds, or of sufficient Distress, the Offender to  
 be imprisoned in like Manner, during the Space of twelve  
 Months.

Nor shall any  
 Net, though of  
 legal Size, be  
 put behind ano-  
 ther,

Penalty of  
 Forfeiture  
 thereof, and  
 20l.

One Moiety  
 to the Informer,  
 the other to the  
 Poor.

V. And it is hereby further enacted, That all Penalties  
 and Forfeitures mentioned in this Act, except Nets of illegal  
 or false Bottoms, Cods or Pouches, as aforesaid, (all necessary  
 Charges for the Recovery thereof being first deducted) shall be  
 distributed and disposed of in Manner following, (that is to  
 say), one Moiety thereof to the Informer, and the other  
 Moiety thereof to the Poor of the Parish where such Offence  
 shall be committed.

Illegal Nets  
 to be burnt.

VI. And it is hereby further enacted and provided, That  
 where any illegal Nets of less Mesh or Moke than three  
 Inches and half at least from Knot to Knot, or of false or  
 double Bottom, Cod or Pouch, shall be proved, as aforesaid,  
 to have been forfeited, such Net or Nets shall, by Warrant  
 of such Justice or Justices, be publicly burnt.

Penalty of sel-  
 ling unsizeable  
 Fish.  
 See 29 Geo. 2, c.  
 39

VII. And for the further Preservation of the said Fry of  
 'Fish,' be it enacted by the Authority aforesaid, That if any  
 Person or Persons shall, at any Time after the twenty-ninth  
 Day of September, one thousand seven hundred and fifteen,  
 bring to Shore in that Part of Great Britain called England,  
 sell, offer or expose to sale, or shall exchange for any other  
 Goods, Matter, or Thing, any unsizeable Fish, that is to say,  
 Bret, Turbet, Brill, or Pearl, Codlin, Whiting, Mullet, Bass,  
 Plaice, Soles, or Flounders, which shall not be of the several  
 Lengths or Sizes following, from the Eyes to the utmost  
 Extent of the Tail, (viz.) every Bret or Turbet, sixteen  
 Inches; every Brill or Pearl, fourteen Inches; every Codlin,  
 twelve Inches; every Whiting, six Inches, every Bass and  
 Mullet, twelve Inches; every Sole, eight Inches; every Plaice  
 or Dab, eight Inches; and every Flounder, seven Inches;  
 all and every Person and Persons so offending, shall for  
 every such Offence forfeit all and every such unsizeable Fish  
 so brought on Shore, sold, offered, or exposed to sale, or ex-  
 changed, as aforesaid, to the Poor of the Parish or Place  
 where such Offence shall be committed, and also shall, for

every such Offence, forfeit and pay the Sum of twenty Shillings of lawful Money of Great Britain, one Moiety thereof to the Informer, and the other Moiety thereof to the Poor of the Parish or Place where the Offence shall be committed, and to be levied and recovered as other Penalties by this Act inflicted are directed to be levied and recovered; and in Default of Payment of the said Forfeiture, or of sufficient Distress for Satisfaction thereof, the Offender shall, by Warrant of one or more Justice or Justices of the Peace, be sent to the next House or Houses of Correction, or other common Gaol or Prison of any County, City, Town or Place, where such Offence shall be committed, there to be severely whipped, and kept to hard Labour for the Space of six Days, and not longer than fourteen Days.

VIII. Provided always, That where any Person shall suffer Imprisonment pursuant to this Act, for any Offence contrary hereunto, in Default of Payment of, or sufficient Distress for any Penalty hereby imposed, such Person shall not be liable afterwards to pay such Penalty.

IX. Provided always, That no Person shall suffer any Punishment for any Offence committed against this Act, unless the Prosecution for the same be commenced within one Month after such Offence committed; any Thing herein contained to the contrary notwithstanding.

XIV. And whereas the several Acts of Parliament heretofore made for the Preservation of Fishing within the Rivers of this Realm have hitherto proved ineffectual in Respect to the Rivers Severn, Dee, Wye, Teame, Were, Tees, Ribble, Mersey, Dun, Air, Ouze, Swaile, Calder, Wharf, Eure, Darwent, and Trent, for Want of a due Encouragement to be given to such Persons who would discover the many illegal Practices and Abuses done therein, and by Reason of the Dilatoriness and Expensiveness of the Suits and Proceedings directed by the said Acts for punishing such Abuses; wherefore for Remedy thereof, and for the better securing the Spawn, Fry, and young Breed of Salmon in the said Rivers, be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall, at any Time hereafter, lay or draw any Kind of Nets, Engines, or Devices, or wilfully do or commit, or cause to be done or committed, any other Act whatsoever in the said Rivers, or in any of them, whereby the Spawn, or small Fry of Salmon therein, or any kepper or sledder Salmons, or any Salmon not being in Length eighteen Inches or more, from the Eye to the Extent of the Middle of the Tail, shall be taken and killed, or destroyed, or shall hereafter make, erect, or set any Bank, Dam, Hedge, or Stank, Net, or Nets, cross the said Rivers, or any Part thereof, whereby the Salmon therein may be taken or hindered from passing or going up the said Rivers to spawn, or shall at any Time hereafter, between the last Day of July and the twelfth Day of November, for Ever, by or with any Net, Device, Engine, Ways, or Means what-

No. 17.  
George I.  
st. 2. c. 18.

Destroying the  
Fry of Salmon  
in the Rivers  
Severn, Dee,  
&c.

and taking Sal-  
mons in the said  
Rivers between  
the last of July  
and November  
12, with any  
other Net, &c.  
than are allow-  
ed by 1 Geo.

No. 17. soever, take, kill, destroy, or wilfully hurt any Salmon of any  
 1<sup>st</sup> George I. Kind or Size whatsoever, in the said Rivers, or shall at any Time  
 st. 2. c. 18. after the said twelfth Day of November fish there for Salmon  
 c. 17 and 30 Car. with any other Net or Nets than what is or are allowed of by  
 2. st. 1. c. 9 the an Act of Parliament made in the first Year of the Reign of  
 forfeit 5l. besides Queen Elizabeth, intituled, 'An Act for the Preservation of  
 the Fish and 'Spawn and Fry of Fish;' and by another Act made in the  
 Nets, to be levied thirtieth Year of the Reign of our late Sovereign Lord King  
 ed by Distress; Charles the Second, intituled, 'An Act for the Preservation  
 'of fishing in the River Severn;' every Person so offending in  
 any of the said Cases, who shall be convicted thereof before  
 any Justice or Justices of the Peace for the County wherein  
 the said Offence shall be committed, either upon View of such  
 Justice or Justices, by Confession of such Offender or by  
 one or more credible Witness or Witnesses upon Oath,  
 (which Oath every such Justice of Peace is hereby im-  
 powered to administer) shall forfeit the Sum of Five Pounds for  
 every such Offence, besides the Fish so taken, and the Nets,  
 Engines and Devices used in doing or committing the same;  
 one Moiety of the said Sum to be paid to the Informer or In-  
 formers, and the other Moiety thereof to the Poor of the Parish  
 where the said Offence shall be committed; to be levied by  
 Distress and Sale of the Offender's Goods and Chattels, by  
 Warrant under the Hand and Seal of the Justice or Justices  
 of the Peace before whom he shall be convicted, as aforesaid,  
 rendering the Overplus, if any be, over and above the  
 Charges of the Distress, to the Person so distrained; and for  
 Want of such Distress the Offender shall be committed to the  
 House of Correction, or other County Gaol or Prison, for any  
 Time not exceeding three Months nor less than one Month,  
 there to be kept to hard Labour, and suffer such other corporal  
 Punishment as the said Justice or Justices, upon Consideration  
 of the Circumstances of such Offence, shall think fit; and  
 the said Justice or Justices of the Peace, before whom the Per-  
 son so offending shall be convicted, shall order such Nets,  
 Engines and Devices made use of in taking such Fish, to be  
 seized and immediately cut in Pieces, or otherwise destroyed  
 in his or their Presence, and shall also cause such Banks, Dams,  
 Hedges or Stanks made or erected across the said River, to be  
 demolished and removed at the Charges of such Offender, such  
 Charges, if not paid down on Conviction, to be levied in  
 the same Manner as the said Sum of five Pounds is appointed  
 to be levied. (*Altered by 23 Geo. 2. c. 26. s. 7.*)

and for Want  
 thereof be com-  
 mitted to the  
 House of Cor-  
 rection, &c. and  
 Nets, &c. to be  
 destroyed,

and Banks, &c.  
 removed at the  
 Charges of the  
 Offender.

'XV. And whereas several Fishmongers of London, and  
 'other Cities and Towns, by themselves, or their Agents, fre-  
 'quently buy and contract with the Fishermen using the said  
 'Rivers of Severn, Dee, Wye, Teame, Were, Tees, Ribble,  
 'Mersey, Dun, Air, Ouse, Swale, Calder, Wharf, Eure, Dar-  
 'went, and Trent, or others employed by them, for great  
 'Quantities of Salmon to be taken in the said Rivers, which  
 'gives great Encouragement to the taking Salmon there of  
 'unsizeable Lengths, and at unseasonable Times;' Be it

therefore further enacted, That no such Salmon shall be sent to London to such Fishmongers, or their Agents, that shall weigh less than six Pounds each Fish; and every Person buying, selling, or sending any such Salmon of less Weight than six Pounds, who shall be convicted thereof in Manner as aforesaid, shall forfeit the Sum of Five Pounds for every such Offence, besides the Fish so to be bought and sold; one Moiety of the said Sum and Fish to be paid and distributed to the Informer or Informers, and the other Moiety thereof to the Poor of the Parish where such Offence shall be committed: the said Sum, if not paid upon Conviction, to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of the Justice or Justices of Peace before whom he shall be convicted, as aforesaid, rendering the Overplus, if any be, over and above the Charges of such Distress, to the Owner; and in Default of sufficient Distress, the Offender shall be committed by such Justice or Justices to the House of Correction, or other County Gaol or Prison, there to be kept to hard Labour for the Space of three Months, unless the said Forfeiture shall be in the mean Time paid.

No. 17.  
1 George I.  
st. 2. c. 18.

Sending to London from the said Rivers, or buying, &c. any Salmon less than six Pounds weight each, forfeits 5l.

to be levied by Distress, and for Want, to be committed for three Months.

XVI. Provided, That where any Offender in the said Rivers, or in any of them, shall be punished by Force of this Act, he shall not be prosecuted, nor incur the Penalty of any other Law or Statute for the same Offence.

Offenders punished by this Act, shall not incur the Penalty of any other Law.  
Appeal.

XVII. Provided also, and it is hereby enacted, That all Persons who shall think themselves aggrieved by any Judgment of any Justice or Justices of the Peace, in any of the Cases aforesaid, may appeal to the Justices of the Peace of the County, City, or Place where such Judgment shall be given, at their next General Quarter Sessions, who are hereby empowered to hear and finally determine the same.

XVIII. Provided, That this Act, or any Thing herein contained, shall not extend, or be construed to extend to any ancient Weirs or Locks upon any Rivers; but that it shall and may be lawful for the Proprietors or Owners thereof to repair, maintain, rebuild, remove, or take down any of the said Weirs or Locks, as they might have done in case this Act had not been made. (*Continued by 23 Geo. 2. c. 26.*)

The Owners of ancient Weirs and Locks may repair them, &c.

### No. 18.

9 Geo. II. c. 33.—An Act to render the Law more effectual for preventing the Importation of fresh Fish taken by Foreigners, and to explain so much of an Act made in the thirteenth and fourteenth Years of the Reign of King Charles the Second, as relates to Ships exporting Fish to the Ports of the Mediterranean Sea, and for the better Preservation of the Fry of Lobsters on the Coasts of Scotland.



## No. 19.

- 22 Geo. II. c. 49.—An Act for making a free Market for the Sale of Fish in the City of Westminster; and for preventing the forestalling and monopolizing of Fish; and for allowing the Sale of Fish, under the Dimensions mentioned in a Clause contained in an Act of the first Year of his late Majesty's Reign, in case the same are taken with a Hook.
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## No. 20.

- 23 Geo. II. c. 26. A. D. 1750.—An Act 'to amend so much of an Act made in the first Year of the Reign of King George the First, as relates to the better Preservation of Salmon in the River Ribble.
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## No. 21.

- 28 Geo. II. c. 39. A. D. 1765.—An Act for explaining amending, and rendering more effectual an Act made in the twenty-second Year of his present Majesty's Reign, intituled, 'An Act for making a free Market for the Sale of Fish in the City of Westminster; and for preventing the forestalling and monopolizing of Fish; and for allowing the Sale of Fish under the Dimensions mentioned in a Clause contained in an Act of the first Year of his late Majesty's Reign, in case the same are taken with a Hook.'
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## No. 22.

- 30 Geo. II. c. 21. A. D. 1757.—An Act for the more effectual Preservation and Improvement of the Spawn and Fry of Fish in the River of Thames and Waters of Medway; and for the better regulating the Fishery thereof.
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## No. 23.

- 33 Geo. II. c. 27. A. D. 1759.—An Act to repeal so much of an Act passed in the twenty-ninth Year of his present Majesty's Reign, concerning a free Market for Fish at Westminster, as requires Fishermen to enter their Fishing-vessels at the Office of the Search-

er of the Customs at Gravesend; and to regulate the Sale of Fish at the first Hand in the Fish-markets in London and Westminster; and to prevent Salesmen of Fish buying Fish to sell again on their own Account; and to allow Bret and Turbot, Brill and Pearl, although under the respective Dimensions mentioned in a former Act, to be imported and sold; and to punish Persons who shall take or sell any Spawn, Brood, or Fry of Fish, unsizeable Fish, or Fish out of Season, or Smelts under the Size of five Inches; and for other Purposes.

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No. 24.

- 2 Geo. 3. c. 15 A. D. 1761.—An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof; and to protect and encourage Fishermen.

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No. 25.

- 5 Geo. 3. c. 14. A. D. 1765. — An Act for the more effectual Preservation of Fish in Fish-ponds and other Matters; and Conies in Warrens: and for preventing the Damage done to Sea Banks, within the County of Lincoln, by the breeding Conies therein.

13.

‘**W**HEREAS the several Laws in Being for the Preservation of the Fish in Rivers, Ponds, Pools, Motes, Stews, and other Waters, are by Experience found to be ineffectual to deter divers loose, idle, and disorderly Persons from stealing, taking away, or destroying, the fish therein bred and preserved; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case any Person or Persons from and after the first Day of June, One thousand seven hundred and sixty-five, shall enter into any Park or Paddock, fenced in and inclosed, or into any Garden, Orchard, or Yard, adjoining or belonging to any Dwelling-house, in or through which Park or Paddock, Garden, Orchard or Yard, any River or Stream of Water shall run or be, or wherein shall be any River, Stream, Pond, Pool, Moat, Stew, or other Water, and by any Ways, Means, or Device whatsoever, shall steal, take, kill, or destroy, any Fish, bred, kept, or preserved, in any such River or Stream, Pond, Pool, Moat, Stew, or other Water aforesaid, without the Consent of the Owner or Owners thereof; or shall be aiding or assisting

No. 25.  
5 Geo. III.  
c. 14.

Persons convicted of stealing or destroying Fish, &c. are to be transported for seven Years.

No. 25.  
5 Geo. III.  
c. 14.

in the stealing, taking, killing, or destroying any such Fish as aforesaid; or shall receive or buy any such Fish, knowing the same to be so stolen or taken as aforesaid; and being thereof indicted within six Calendar Months next after such Offence or Offences have been committed, before any Judge or Justices of Gaol Delivery for the County wherein such Park or Paddock, Garden, Orchard or Yard, shall be, and shall, on such Indictment be, by Verdict, or his or their own Confession or Confessions, convicted of any such Offence or Offences as aforesaid; the Person or Persons so convicted shall be transported for seven Years.

Any Offender  
convicting his  
Accomplices in-  
titled to Pardon.

‘II. And, for the more easy and speedy apprehending, and convicting of such Person or Persons as shall be guilty of ‘any of the Offences before mentioned,’ be it further enacted by the Authority aforesaid, That in case any Person or Persons shall at any Time after the said first Day of June, commit or be guilty of any such Offence or Offences as are herein-before mentioned, and shall surrender himself to any one of his Majesty’s Justices of the Peace in and for the County where such Offence or Offences shall have been committed; or, being apprehended and taken, or in Custody for such Offence or Offences, or on any other Account, and shall voluntarily make a full Confession thereof, and a true Discovery, upon Oath, of the Person or Persons who was or were his Accomplice or Accomplices in any of the said Offences, so as such Accomplice or Accomplices may be apprehended and taken, and shall, on the Trial of such Accomplice or Accomplices, give such Evidence of such Offence or Offences, as shall be sufficient to convict such Accomplice or Accomplices thereof, such Person making such Confession and Discovery, and giving such Evidence as aforesaid, shall by Virtue of this Act, be pardoned, acquitted, and discharged, of and from the Offence or Offences so by him confessed as aforesaid.

Persons con-  
victed of taking  
or destroying,  
&c.

forfeit to the  
Owner of the  
Fishery &c. See  
Doug. 499.

III. And be it further enacted by the Authority aforesaid, That in case any Person or Persons shall, after the said first Day of June, take, kill or destroy, or attempt to take, kill or destroy, any Fish in any River or Stream, Pond, Pool or other Water (1.) (not being in any Park or Paddock, or in any Garden, Orchard or Yard, adjoining or belonging to any Dwelling-house, but shall be in any other inclosed Ground which shall be private Property) every such Person, being lawfully convicted thereof by the Oath of one or more credible Witness or Witnesses, shall forfeit and pay, for every such Offence, the Sum of five Pounds, to the Owner or Owners of

(1.) Conviction quashed because the Complaint did not appear to be made by the Owner, or the fishing to be without his Consent. *Rex. v. Corden.* 4 Bur. 2279. In *Rex v. Edwards*, 1 East, 378, a Conviction for fishing in Part of a River between A. in the County of W. and B. in the said County, was quashed for not shewing the Place where the Offence was committed was within the Jurisdiction of the Magistrate. It was objected that the Conviction for fishing without the Consent was not sufficient without saying “against the Consent,” and that the Want of Consent could only be proved by the Owner himself. No Opinion was given on these Objections, and see Observations, 1 Chitty, 322.

the Fishery of such River or Stream of Water, or of such Pond, Pool, Moat or other Water; and it shall and may be lawful to and for any one or more of his Majesty's Justices of the Peace of the County, Division, Riding or Place where such last-mentioned Offence or Offences shall be committed, upon complaint made to him or them upon Oath against any Person or Persons, for any such last-mentioned Offence or Offences, to issue his or their Warrant or Warrants to bring the Person or Persons so complained of before him or them; and, if the Person or Persons so complained of shall be convicted of any of the said Offences last-mentioned, before such Justice or Justices, or any other of his Majesty's Justices of the same County, Division, Riding or Place aforesaid, by the Oath or Oaths of one or more credible Witness or Witnesses, which Oath such Justice or Justices are hereby authorized to administer, or by his or their own Confession, then and in such case the Party so convicted shall, immediately after such Conviction, pay the said Penalty of five Pounds, hereby before imposed for the Offence or Offences aforesaid, to such Justice or Justices before whom he shall be so convicted, for the use of such Person or Persons as the same is hereby appointed to be forfeited and paid unto; and, in Default thereof, shall be committed by such Justice or Justices to the House of Correction, for any Time not exceeding six Months, unless the Money forfeited shall be sooner paid.

No. 25.  
Geo. III  
c. 14.

IV. Provided nevertheless, That it shall and may be lawful to and for such Owner or Owners of the Fishery of such River or Stream of Water, or of such Pond, Pool or other Water, wherein any such Offence or Offences last mentioned shall be committed as aforesaid, to sue and prosecute for, and to recover the said Sum of five Pounds, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster; and in such Action or Suit, no Essoin, Wager of Law, or more than one Imparlance, shall be allowed; provided that such Action or Suit be brought, or commenced, within six Calendar Months next after such Offence or Offences shall have been committed.

V. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to subject or make liable any Person or Persons to the Penalties of this Act, who shall fish, take, or kill and carry away, any Fish, in any River or Stream of Water, Pond, Pool or other Water, wherein such Person or Persons shall have a just Right or Claim to take, kill or carry away any such Fish. (1)

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(1) A fishing in Order to try Claim of Right is not within the Statute, although a Verdict had been obtained on a former Action against the Right of the Person under whom the Claim was made. *Keinersley v Orpe*. Doug 517.

## No. 26.

- 11 George III. c. 27. A. D. 1771. — An Act for Regulating and Improving the Fisheries in the River Tweed, and the Rivers and Streams running into the same; and also within the Mouth or Entrance of the said River.

## No. 27.

- 15 Geo. III. c. 46. A. D. 1775. — An Act for amending and rendering more effectual an Act passed in the eleventh Year of his present Majesty's Reign, intituled, 'An Act for regulating and improving the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River.'

## No. 28.

- 18 George III. c. 33. A. D. 1777. — An Act for the better Preservation of Fish, and regulating the Fisheries, in the Rivers Severn and Verniew.

## No. 29.

- 31 Geo. III. c. 51. A. D. 1791. — An Act for better protecting the several Oyster Fisheries within this Kingdom.

No. 29.  
31. Geo. III.  
c. 51.  
Preamble.

**W**HEREAS the maintaining and preserving the several Oyster Fisheries of this Kingdom is a great national Object: And whereas the Laws now in being are not sufficient effectually to maintain and preserve the said Fisheries, and to prevent the destroying of the Oyster Brood therein; in order therefore the better to protect the said Fisheries, and to prevent the destroying of the Oyster Brood within the same, may it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, at any Time from and after the first Day of August one thousand seven hundred and ninety-one, with or by Means of any Net, Traul, Dredge, or other Instrument or Engine whatsoever, take or catch any Oysters or Oyster Brood, within the Limits of any Oyster Fishery of this Kingdom, or shall dredge for Oysters or Oyster Brood, or use any

From Aug. 1,  
1791, persons un-  
lawfully catch-  
ing Oysters or  
Brood within  
the Limits of  
any Fishery, pu-  
nishable by Fine  
and Imprison-  
ment.

Oyster Dredge, or any Net, Instrument, or Engine whatsoever, within the Limits of any such Fishery, for the Purpose of taking or catching Oysters or Oyster Brood, although no Oysters or Oyster Brood shall be actually taken, or shall, with any Net, Instrument, or Engine, drag upon the Ground or Soil of any such Fishery, all and every such Person and Persons (other than and except such Persons as shall be the Owners, Lessees, or Occupiers of such Fishery, or shall be otherwise lawfully entitled to take or catch Oysters therein) shall be deemed and taken to be guilty of an Offence and Misdemeanor, and shall and may be prosecuted for the same by Indictment at the Assizes, or General Quarter Sessions of the Peace, to be holden in and for the County, Riding, or Division in which such Fishery shall lie, and the Justices in Sessions are hereby authorised and required to hear and determine all and every such Offence and Offences; and such Person or Persons being lawfully convicted by Verdict, or by his or their own Confession, shall and may be punished for any of the said Offences, by Fine and Imprisonment, or either of them, as the Court before whom such Person or Persons shall be so convicted shall think proper, such Fine not to exceed twenty Pounds, or be less than forty Shillings, and such Imprisonment not to be for more than three Months, or less than one Month.

No. 29.  
31 Geo. III  
c. 31.

II. Provided always, That nothing in this Act shall extend, or be construed to extend, to prevent or hinder any Person or Persons whomsoever from taking, catching, or fishing for any floating Fish in the Waters or Creeks within the Limits of any Oyster Fishery, with any Net, Instrument or Engine, which shall be made or fitted for the Purpose of taking or catching floating Fish only.

Act not to extend to the taking floating Fish.

III. And be it further enacted, That it shall be lawful for any Justice of the Peace acting for any County, Riding, or Division, wherein any Offence shall be committed contrary to this Act, upon Complaint and Oath made before him, (which Oath he is hereby empowered to administer,) that any Person or Persons, except as aforesaid, hath or have within thirty Days next preceding such Complaint, taken or caught any Oysters or Oyster Brood, within the Limits of any Oyster Fishery, or dredged for Oysters, or Oyster Brood, or used any Oyster Dredge, or any Net, Instrument, or Engine, within the Limits of any such Fishery, for the Purpose of taking or catching Oysters or Oyster Brood, although no Oysters or Oyster Brood shall be actually taken; or with any Net, Instrument, or Engine, dragged upon the Ground or Soil of any Oyster Fishery, to issue out a Warrant or Warrants under his Hand and Seal for the apprehending of the Person or Persons so offending, and for bringing him or them before himself or any other Justice of the Peace acting for such County, Riding, or Division; and the Justice, before whom such Person or Persons shall be brought, shall, and is hereby authorised and required, if he see Cause, to commit him or them to the common Gaol,

Justices may issue Warrants for apprehending Offenders, and, for Want of Sureties, may commit them till the Quarter Sessions.

**No. 29.** or other usual Place of Confinement for Prisoners, in and for  
**31 George III.** such County, Riding, or Division, there to remain until the  
**c. 51.** then next Assizes, or then next General Quarter Sessions of the Peace, to be holden in and for such County, Riding, or Division, whichever shall first happen next after such Person or Persons shall be so apprehended and brought before such Justice, unless such Person or Persons shall enter into Recognizance before such Justice, with two good and sufficient Sureties (each and every of them in the Penalty of twenty Pounds), to appear either at the said next Assizes or General Quarter Sessions of the Peace, which shall first happen as aforesaid, then and there to answer any Indictment or Indictments that shall or may be preferred against him or them under or by virtue of this Act.

**Persons found taking or using Engines for taking Oysters or Brood, refusing to discover themselves, may be seized, &c.**

IV. And be it further enacted, That if any Person or Persons, except as aforesaid, shall be found actually taking or catching any Oysters or Oyster Brood, within the Limits of any Oyster Fishery, or dredging for Oysters or Oyster Brood, or using any Oyster Dredge, or any Net, Instrument, or Engine whatsoever, within the Limits of any Oyster Fishery, for the Purpose of taking or catching Oysters or Oyster Brood, although no Oysters or Oyster Brood shall be actually taken, or with any Net, Instrument, or Engine dragging upon the Ground or Soil of any such Oyster Fishery, it shall be lawful for any Person being an Owner, Lessee, or Occupier of such Fishery, or otherwise lawfully entitled to take or catch Oysters therein, and for his Apprentice or Servant, (in case the Person or Persons offending against this Act, shall, on being required so to do, refuse to discover his or their real Name or Names, and the true Place or Places of his or their Abode or Residence respectively) to seize, secure, and detain every such Person so being found actually taking or catching any Oysters or Oyster Brood, or dredging for Oysters, or using any Oyster Dredge, or any Net, Instrument, or Engine for the Purpose aforesaid, although no Oysters or Oyster Brood shall have been actually taken, or with any Net, Instrument, or Engine dragging upon the Ground or Soil of such Oyster Fishery, and refusing to discover his real Name and true Place of Abode, and forthwith to carry him and them before any Justice of the Peace acting for such County, Riding, or Division; and the said Justice, on Oath being made before him (which Oath he is hereby empowered to administer) of the Offence against this Act, for which such Person or Persons was or were seized or secured and detained, shall and is hereby authorised and required to proceed against him and them, in such and the same Manner as if he or they had been apprehended and brought before such Justice by virtue of a Warrant or Warrants issued for that Purpose under the Authority of this Act.

**No Justice to commit, or require Security from any Person, without**

V. Provided always, and be it further enacted, That no Justice of the Peace shall, by Virtue of this Act, commit any Person or Persons, or take or require any Security from him or them, for his or their Appearance as aforesaid, unless one good

and sufficient Householder, being an Owner, Lessee, or Occupier of, or otherwise lawfully entitled to take or catch Oysters in the Oyster Fishery wherein the Offence shall be sworn to have been committed, (whose Oath that he is such Owner, Lessee, or Occupier, or otherwise lawfully entitled as aforesaid, shall be sufficient Evidence thereof to such Justice), shall enter into Recognizance before the said Justice in the Penalty of twenty Pounds, for his appearing either at the then next Assizes or General Quarter Sessions of the Peace for the County, Riding, or Division, as the Case may be, and then and there preferring and prosecuting with Effect a Bill of Indictment against the Person or Persons so to be committed, or bound by Recognizance, for the Offence or Offences for which he or they shall be so committed or bound as aforesaid.

No. 29.

31 George III.

c. 51.

Recognizance is entered into to prosecute.

VI. And be it further enacted, That if at any Time after any Person or Persons shall have been committed in pursuance of this Act, two good and sufficient Sureties shall, before the Justice by whom such Person or Persons was or were committed, or any other Justice of the Peace for the same County, Riding, or Division, enter into Recognizance in the Penalty of twenty Pounds each, with Condition for the Appearance of such Person or Persons so committed at the then next Assizes, or General Quarter Sessions of the Peace for the same County, Riding, or Division, which shall first happen, then and there to answer to any Indictment or Indictments that shall or may be preferred against him or them by virtue of this Act; then and in such Case, it shall be lawful for any such Justice, by Warrant under his Hand and Seal, to order such Person or Persons to be discharged from his or their said Commitment, and delivered out of Custody, and he and they shall be discharged accordingly; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Persons may be discharged from Confinement upon Recognizance.

VII. Provided always, That nothing herein contained shall extend, or be construed to extend, to repeal, alter, abridge, or affect any Act of Parliament now in force, respecting any particular Oyster Fishery within this Kingdom, or any Clause, Regulation, Method of Proceeding, Power, Matter, or Thing therein; but that all and every the Powers, Authorities, Jurisdictions, and Directions contained in all such Acts of Parliament, shall and may be pursued, enforced, exercised, and executed, in such Manner and Form, and as fully, to all Intents and Purposes, as if this Act had not been made.

This Act not to affect any Act now in force respecting any particular Oyster Fishery.

VIII. Provided also, That nothing herein contained shall extend, or be construed to extend, to prevent, bar, or preclude any Person from commencing any Prosecution or Action at the Common Law for any Act or Offence hereinbefore described, which shall be done or committed within the Limits of any Oyster Fishery, in such Manner and Form as if this Act had not been made; but, nevertheless, when any Person shall have been punished in Pursuance and by Virtue of this Act, for any Offence against the same, such Person shall not be prosecuted by Virtue of any other Law or Statute, or be liable to

or to preclude Prosecution at the Common Law.



No. 29. any other Punishment or Penalty for the same Offence, or to  
 31 George III. have any other Action or Suit in Law or Equity brought against  
 c. 51. him on account of that Offence for which he shall have been  
 punished in pursuance of this Act.

Limitation of  
 Actions.

General Issue.

Double Costs.

Public Act.

IX. And be it further enacted, That no Action at Law shall be brought or commenced against any Person or Persons for any Arrest authorized to be made, or any other Matter or Thing done or to be done by Virtue of this Act, until after twenty-one Days' Notice thereof, in Writing, shall have been given to the Person or Persons against whom such Action is intended to be brought, or left at his or their last usual Place or Places of Abode, setting forth the Cause of such Action; and that every such Action shall be brought within the Space of six Calendar Months next after the Cause of Complaint shall arise, and shall be laid and tried in the proper County wherein the same did arise, and not elsewhere; and the Defendant or Defendants in such Action may plead the General Issue, and on the Trial thereof give this Act and the Special Matter in Evidence; and if, on the Trial of such Action, it shall appear that the same was commenced without having given such Notice, or before the Expiration of twenty-one Days next after such Notice shall have been so given or left as aforesaid, or after the End of six Calendar Months next after the Cause thereof shall have arisen, or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, that then, and in any of the Cases aforesaid, a Verdict shall be entered as found for the Defendant or Defendants; and in all Cases where a Verdict shall be found or entered for the Defendant or Defendants in any such Action, or if the Plaintiff or Plaintiffs shall discontinue the same after Appearance, or shall be nonsuited, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have double Costs, and the like Remedies for recovering the same as Defendants have by Law for recovering their Costs in other Cases.

X. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons, without specially pleading the same.

No. 30.

36 Geo. III. c. 118. A. D. 1796. — An Act to authorize the Sale of Fish at Billingsgate by Retail.

## No. 31.

- 37 Geo. III. c. 48. A. D. 1797.—An Act for altering, amending, and rendering more effectual two Acts, made in the eleventh and fifteenth Years of the Reign of his present Majesty, for the Regulation and Improvement of the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River.
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## No. 32.

- 37 Geo. III. c. 95.—An Act to amend two Acts, made in the fourth Year of the Reign of Queen Anne, and the first Year of the Reign of King George the First, for the Preservation of Salmon and other Fish, in the Rivers within the Counties of Southampton and Wilts.
- 

## No. 33.

- 32 Geo. III. c. 88.—An Act for repealing so much of an Act made in the second Year of the Reign of his present Majesty, intituled, ‘An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof, and to protect and encourage Fishermen,’ as limits the Number of Fish to be sold by Wholesale within the said City of London; and for the better Regulation of the Sale of Fish by Wholesale in the Market of Billingsgate within the said City.
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## No. 34.

- 43 Geo. III. c. 61.—An Act to alter and amend two Acts, passed in the thirteenth Year of the Reign of King Edward the First, and in the thirteenth Year of the Reign of King Richard the Second, for the Preservation of Salmon and other Fish in the Rivers Teign, Dart, and Plym, in the County of Devon.

## No. 35.

45 Geo. III. c. 33. — An Act for the Preservation of of Salmon and other Fish in the Rivers in the County of Carmarthen, and County of the Borough of Carmarthen.

## No. 36.

46 Geo. III. c. 19. A. D. 1806. — An Act for the Regulation of the Oyster, Sole, and Salmon Fisheries, within the Harbour of Milford, in the County of Pembroke, and the Rivers running into the said Harbour.

## No. 37.

47 Geo. III. c. 29. A. D. 1807. — An Act to amend and render more effectual three Acts, made in the eleventh, fifteenth, and thirty-seventh Years of his present Majesty, for the Regulation and Improvement of the Fisheries of the River Tweed.

## No. 38.

48 Geo. III. c. 144. A. D. 1808. — An Act for the more effectual Protection of Oyster Fisheries and the Brood of Oysters in England.

No. 38.  
48 George III.  
c. 144.  
41 Geo. 3. c. 51.

Penalty on  
stealing  
fish or  
brood  
oyster  
felony,  
punish-  
able by  
imprisonment.

**W**HEREAS an Act of Parliament passed in the thirty-first Year of the Reign of his present Majesty, intituled, "An Act for better protecting the several Oyster Fisheries within this Kingdom:" and whereas the Provisions of the said Act have been found inadequate to the Protection of the Oyster Fisheries of this Kingdom: and whereas Doubts have arisen, since the passing of the said Act, whether the taking Oysters or Oyster Brood, from any Oyster Bed or Laying, or from any Oyster Fishery, can under any Circumstances be deemed Felony, and punishable as such; and it is therefore expedient and necessary that more effectual Provision should be made for the Protection of the Oyster Fisheries, and for removing such Doubts as aforesaid: may it therefore please your Majesty, that it may be declared and enacted; and be it declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who shall at any Time after the first Day of August

One thousand eight hundred and eight, knowingly and wilfully steal, take and carry away any Oysters or Oyster Brood, <sup>No. 38.</sup> from any Oyster Bed, or Oyster Laying, or Oyster Fishery, <sup>48 George III.</sup> being the Property of any Person or Persons, or Body or <sup>c. 114.</sup> Bodies Politick or Corporate, and sufficiently marked out as such, shall be deemed guilty of Felony, and shall and may be transported for any Term not exceeding seven Years, or be imprisoned and kept to hard Labour in any Common Gaol or House of Correction, or Penitentiary House, or imprisoned only for any Term, not exceeding three Years, as the Court before whom any such Person shall be convicted may adjudge.

II. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to subject or make liable any Person or Persons to the Penalties of this Act who shall take or carry away any Oyster or Oyster Brood from any Oyster Bed, Oyster Laying, or Oyster Fishery wherein such Person or Persons shall have or claim to have a Right to take and carry away such Oysters, or Oyster Brood. Proviso for Persons claiming Right.

III. ' And whereas Doubts may arise in what Parish or County any Oyster Beds, Layings, or Fisheries are situated, and on that Account Difficulties may occur in bringing Offenders to Justice; ' be it therefore further enacted, That it shall be sufficient in any Indictment under this Act, or under the said recited Act of the thirty-first Year aforesaid, to describe, either by Name or otherwise, the Bed, Laying, Fishery in which the Offence shall have been committed, without stating the same to be in any particular Parish; and where the Offence is committed on the Border of any County, so as to make it difficult to ascertain the County, such Offence may be stated to have been committed in the County in which the Indictment shall be preferred, being either the County in which the Offence was committed, or the adjoining County. Parish need not be named in Indictments, and Offence may be laid in the County where Indictment is preferred

IV. ' And whereas it is doubtful whether Justices of the Peace for Towns Corporate, Boroughs, or other Places, and not being Counties of themselves, and having special or exclusive Jurisdictions, can act by Virtue of the Statute of the thirty-first Year aforesaid: ' be it therefore enacted and declared, That it shall be lawful for such Justices to act in all Cases arising with in their respective Jurisdictions in like Manner as any Justice of the Peace for any County, Riding, or Division, may act for such County, Riding, or Division, in the Execution of the said Act or of any Law for protecting the Oyster Fisheries, and Broods of Oysters. Justices for Towns, &c. may act as Justices for Counties.

V. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to repeal any of the Provisions of the said Act of the thirty-first Year aforesaid, except so far as the same respect the stealing and taking of Oysters from any Oyster Bed, Laying, or Fishery. Proviso of 31 Geo. 3 c. 51 not repealed by this Act

## PART VI. CLASS XVII.

## FORCIBLE ENTRY.\*

\* It has been thought most convenient to introduce this Subject in the present Division, although some of the Statutes have not any immediate Relation to the Functions of a Justice of Peace. For the general Exposition of the Law relating to it, see 1 Hawk, P. L. c. 64.—It is agreed, that an Indictment for a forcible Entry may be maintained at common Law; but an Indictment, stating that the Defendants, with Force and Arms, unlawfully broke and entered a Close, and unlawfully and unjustly expelled the Prosecutors, and kept them out of Possession, was held to be not sufficiently descriptive of the Force requisite to constitute such Offence. It ought to amount to an actual Breach of the Peace; and this ought to appear on the Face of the Indictment. *Rex v. Bake and others*, 3 Bur. 1731.—It is stated by Hawkins, that at common Law a Man disseised of Lands (if he could not prevail by fair Means) might lawfully regain the Possession by Force.—In *Rex v. Wilson and others*, 8 T. R. 357, the Indictment stated that the Defendants, vi et armis, unlawfully, injuriously, and with a strong Hand, entered a Mill; and unlawfully, injuriously, and with a strong Hand, expelled A. B., &c. There were other Counts omitting the Expression, with a strong Hand, which was abandoned as untenable. The Count containing those Words was held sufficient to denote the Degree of Force requisite to support the Indictment: and, on a subsequent Day, Lord Kenyon, referring to the Observations in Hawkins above cited, said, “Perhaps some Doubt may hereafter arise respecting that Doctrine; but without giving any Opinion concerning it, we may on the other: but leaving it to be proved or disproved whenever the Question shall arise, all that we wish to say is, that our Opinion upon this Case leaves that Question untouched; it appearing that the Defendants unlawfully entered, and therefore the Court cannot intend that they had any Title.” It is manifest that the Word ‘unlawfully’ is very often thrown into Indictments as a Word of Course; and, in general, the Insertion of that Word will not supply the Want of any essential Averment requisite to constitute an Offence. In the particular Case, the Question whether the Insertion of the Word unlawfully was equivalent to an Averment negating a Right of Entry was not argued at the Bar. A Distinction is made with Respect to an Entry into a Dwelling-house, in which Case the Words, with a strong Hand, are not necessary. See *Rex v. Bathurst, Sayer*, 225; cited 3 Bur. 1699, 1702. See also the other Cases cited in *Rex v. Wilson*.—There is a Form of an Indictment in Cro. Circ. Comp., which, according to the Cases, is not sufficient, except in the Instance of a Dwelling-house.

## No. 1.

- 5 Richard II. Stat. 1. c. 7.—Manumissions, Releases, and other Bands made in the last Tumult by Compulsion, shall be void. It shall be Treason to begin a Riot, Rout, or Rumour.\*

\* I have thought it eligible to insert this Chap. and also Chap. 9 as shewing the Circumstances under which Chap. 8 was enacted.

5 Richard II. Stat. 1 c. 8.—The Penalty where any doth enter into Lands where it is not lawful, or with Force.

**E**T auxint Je Roi defende  
qe nully desore face en-  
tree en aucunes terres & tene-  
mentz sinoun en cas ou entree  
est done par la loy & en cell  
cas nemye a forte main ne a  
multitude de gentz einz tant-  
soulement en lisible et aisee  
manere. Et si nully desore face  
au contraire & ent soit convict  
duement soit puniz par emprison-  
nement de son corps & dil-  
loques reint a la volunté le  
Roi.

**A**ND also the King de-  
fendeth, That none from  
henceforth make any Entry  
into any Lapsd and Tene-  
ments, but in Case where  
Entry is given by the Law;  
and in such Case not with  
strong Hand nor with Multi-  
tude of People, but only in  
peaceable and easy Manner.  
And if any Man from hence-  
forth do to the contrary, and  
thereof be duly convict, he  
shall be punished by Im-  
prisonment of his Body, and  
thereof ransomed at the King's  
Will.

No. 1.  
5 Richard II.  
Stat. 1. c. 8.  
Godbolt 145.  
pl. 180.  
Carthew 497.  
Regist. 182.  
*Enforced and*  
*amended by*  
15 R. 2. c. 2.  
4 H. 4. c. 8.  
8 H. 6. c. 9.  
*which is ex-*  
*plained by* 31  
Eliz. c. 11.  
10 H. 7. f. 27.  
11 H. 7. f. 15.  
*See further*  
23 H. 8. c. 14.  
21 Jac. 1. c. 15.  
*whereby Jus-*  
*tices are enab-*  
*led to give Res-*  
*titution in cer-*  
*tain Cases.*

Richard II. Stat. 1. c. 9.—A Remedy for them whose Writings were destroyed in the late Insurrection.

*Enforced by*  
6 R. 2. Stat. 1.  
c. 4.

## No. 2.

15 Richard II. c. 2.—The Duty of Justices of Peace when any forcible Entry is made into Lands.

**I**TEM accordez est & assen-  
tuz qe lestatutz et ordein-  
ances faitz et nient repellez de  
ceux qe font entrees a forte  
mayn en terres & teneementz ou  
autres possessions queconqz &  
tour tlegnent einz ové force &  
auxint de ceux qe font insur-  
rections ou grantz chivaches  
riotes routes ou assemblees en  
destourbanche de la pees ou de  
la commune ley ou en affray du  
people soient tenuz & gardez  
& pleynement executz ajousto  
a ycelles qe a toutz les soitz qe  
liex forcibles entrees soient  
faitz et plainte en veigne a jus-  
tices de la pees ou a ascun de  
eux qe mesmes les justices ou  
justice preignent ou preigne

**I**TEM it is accorded and  
assented, That the Ordi-  
nances and Statutes, made  
and not repealed, of them  
that make Entries with strong  
Hand into Lands and Tene-  
ments, or other Possessions  
whatsoever, and them hold  
with Force, and also of those  
that make Insurrections, or  
great Ridings, Riots, Routs,  
or Assemblies, in Disturb-  
ance of the Peace, or of the  
Common Law, or in Affray  
of the People, shall be holden  
and kept, and fully executed;  
joined to the same, That at  
all Times that such forcible  
Entry shall be made, and  
Complaint thereof cometh to

No. 2.  
15 Richard II.  
c. 2.

*Former Sta-*  
*tutes concern-*  
*ing forcible En-*  
*tries and Riots con-*  
*firmed.*

Kel. 41.  
3 Bulstr. 71.  
Mod. Cases in  
Law 65.

No. 2.  
15 Richard II.

the Justices of Peace, or to any of them, that the same Justices or Justice take sufficient Power of the County, and go to the Place where such Force is made; and if they find any that hold such Place forcibly after such Entry made, they shall be taken and put in the next Gaol, there to abide convict by the Record of the same Justices or Justice until they have made Fine and Ransom to the King: And that all the People of the County, as well the Sheriffs as other, shall be attendant upon the same Justices to go and assist the same Justices to arrest such Offenders, upon Pain of Imprisonment, and to make Fine to the King. And in the same Manner it shall be done of them that make such forcible Entries in Benefices or Offices of Holy Church.'

5 R. 2. stat. 1. c. 8.  
*Enforced and amended by*  
4 H. 4. c. 8.  
8 H. 6. c. 9.  
23 H. 8. c. 14.  
*See 31 Eliz. c. 11, which explains 8 H. 6. c. 9.*  
*See 21 Jac. 1. c. 15, which enables Justices to give Restitution in certain cases.*

*Ex Rot. in Tur. Lond.*

poair sufficeant du counte & voient ou voise al lieu ou tiel force soit fait & sils troevent ou troeve aucuns qe tiegnent tiel lieu forciblement apres tiel entree fait soient pris & mys en pioscheine gaole a y demeurer convict par record de mesmes les justices ou justice lanqils eient fait syn & ranceon au Roy & qe toutz gentz du counte sibien viscont come autres soient entendantz as ditz justices pur aler et enforcer mesmes les justices pur aierster tielx malefaisours sur peine demprisonement & de faire syn au Roy. Et en mesme le manere soit fait de ceux qe font tielx forcibles entrees en benefices ou offices de seint esglise.

### No. 3.

8 Henry VI. c. 9.—The Duty of Justices of Peace where Land is entered upon or detained with Force.

No. 3.  
8 Henry VI.  
c. 9

The Statute of 15 R. 2. c. 2. touching forcible Entries rehearsed and confirmed.  
4 Co 48  
Hob 91  
Keilw. 207, 208.

"ITEM, Whereas by the noble King RICHARD late King of England, after the Conquest the Second, at his Parliament holden at Westminster the Morrow after All Souls, the fifteenth Year of his Reign, amongst other Things, it was ordained and established, That the Statutes and Ordinances made, and not repealed, of them that make Entries with strong Hand into Lands or Tenements, or other Possessions whatsoever, and them hold with Force, and of them that make Insurrections; Riots,

ITEM come par le Roy RICHARD nadgairs Roid Engleterre puis le Conquest seconde a son parlement tenu a Westm' lendemain des almes lan de son regne xiv<sup>me</sup> entre autres ordinez estoit & establiez qe les estatuts & ordinances faitz et nient repellez de ceux qi fount entree ove fort main en terres tenementz ou autres possessions qe conq<sup>st</sup> & leur teignent eins ove force & auxi de ceux qi fount insurrections riotes routes chivaches ou Assembles en distourbanche de la pees ou de la comuné ley ou en afraie del people serroient tenuz

*Ex Rot. in Tur. Lond.*  
 & pleinement excecutes. Et ou-  
 tre ceo ordine est par mesme  
 lestatut qe toutz les foitz qe  
 tiels forcibles entres soient faitz  
 & pleint ent veigne as justices  
 de peas ou ascun deux qe memes  
 les justices ou justice preignent  
 ou preigne poair del countee &  
 voisent ou voise al lieu ou tiel  
 force soit fait & sils trovent ou  
 trove ascuns tenauntz tiel lieu  
 forciblement apres tiel entre  
 fait soit prizez & misez on pro-  
 schien gaole a y demeurer con-  
 victz de record de mesmes les  
 justices ou justice tanqe ils  
 eient faitz fyn & ranceon au  
 Roy. Et qe toutz gentz de  
 counte sibien viscountz come  
 autres soient entendant zas ditz  
 justices de eux enforcier pur  
 arrestier tiels malefaisours sur  
 peine demprisonement & de  
 faire fyne & ranceon au Roy.  
 Et qe en mesme le manere soit  
 fait de ceux qi fount forcibles  
 entres en benefices ou office de  
 seint esglise come en mesme  
 lestatut est contenu pluis au  
 plein.

Et pur taunt qe le dit esta-  
 tut nextende my as entres en  
 tenementz en peisible manere  
 & apies tenuz ove force ne si  
 les persones qentront ove force  
 en terres ou tenementz soient  
 remoevez & voidez devaunt le  
 venu de ditz justices ou justice  
 come devaunt ne nulle peine  
 ordine si le viscount ne obeie

F

" Routs, Ridings, and Assem-  
 " blies, in Disturbance of the  
 " Peace, or of the Common  
 " Law, or in Affray of the  
 " People, should be holden and  
 " fully executed. And more-  
 " over it is ordained by the  
 " same Statute, That at all  
 " Times that such forcible En-  
 " tries be made, and Com-  
 " plaint thereof come to the  
 " Justices of Peace, or any of  
 " them, that the same Justices  
 " or Justice shall take the  
 " Power of the County, and  
 " shall go, or one of them shall  
 " go, to the Place where such  
 " Force is made; and if they  
 " find, or he findeth, any hold-  
 " ing such Place forcibly, after  
 " such Entry made, they should  
 " be taken and put in the next  
 " Gaol, there to remain con-  
 " vict by the Record of the  
 " same Justices or Justice,  
 " until they have made Fine  
 " and Ransom to the King;  
 " and that all the People of  
 " the County, as well Sheriff  
 " as other, shall be attending  
 " to the said Justices, and to  
 " assist them to arrest such  
 " Malefactors, upon Pain of  
 " Imprisonment, and to make  
 " Fine and Ransom to the  
 " King. And that in the same  
 " Manner be done of them  
 " that make forcible Entries  
 " into Benefices or Offices of  
 " holy Church, as in the same  
 " Statute is contained more at  
 " large.

" II. And for that the said  
 " Statute doth not extend to  
 " Entries in Tenements in  
 " peaceable Manner, and after  
 " holden with Force, nor if  
 " the Persons which enter with  
 " Force into Lands and Tene-  
 " ments, be removed and  
 " voided before the coming  
 " of the said Justices or Jus-

No. 3  
 8 Henry VI.  
 c. 9.

The Defects  
 of the Statute of  
 R. 2 c. 2.  
 in art. 2.



No. 3. "tice, as before, nor any Pain  
 3 Henry VI. "ordained if the Sheriff do  
 c. 9. "not obey the Commandment

"and Precepts of the said  
 "Justices to execute the said  
 "Ordinance, many wrongful  
 "and forcible Entries be daily  
 "made in Lands and Tene-  
 "ments by such as have no  
 "Right, and also divers Gifts,  
 "Feoffments, and Disconti-  
 "nuances sometimes made to  
 "Lords, and other puissant  
 "Persons, and Extortioners  
 "within the said Counties  
 "where they be conversant,  
 "to have Maintenance, and  
 "sometimes to such Persons  
 "as be unknown to them so  
 "put out, to the Intent to  
 "delay and defraud such right-  
 "ful Possessors of their Right  
 "and Recovery for ever, to  
 "the final Disherison of divers  
 "of the King's faithful liege  
 "People, and likely daily to  
 "increase, if due Remedy be  
 "not provided in this Behalf;"

The Office and  
 Duty of Justices  
 of Peace when  
 any forcible En-  
 try is made into  
 Lands, or peace-  
 able Entry, and  
 after detaining  
 with Force.

Carthew 49

"Our Lord the King consider-  
 "ing the Premises, hath or-  
 "dained, That the said Sta-  
 "tute, and all other Statutes of  
 "such Entries or Alienations  
 "made in Times past, shall  
 "be holden and duly exe-  
 "cuted; joined to the same,  
 "That from henceforth where  
 "any doth make any forcible  
 "Entry in Lands and Tene-  
 "ments, or other Possessions,  
 "or them hold forcibly, after  
 "Complaint thereof made with-  
 "in the same County where  
 "such Entry is made to the  
 "Justices of Peace, or to one of  
 "them, by the Party grieved,  
 "that the Justices or Justice so  
 "warned, within a convenient  
 "Time shall cause, or one of  
 "them shall cause, the said  
 "Statute duly to be executed,  
 "and that at the Costs of the  
 "Party so grieved.

*Ex Rot' in Tur. Lond.*

my les maundementz & pre-  
 cepts des ditz justices pur exe-  
 cutier lordinaunce suisdit plou-  
 ours torcenouses & forcibles  
 entres sount faitz de jour en  
 autre en terres & tenementz  
 par ceux qi droit nount. Et  
 auxi diverses douns feoffementz  
 & discontinuance ascun foitz  
 faitz as Seignurs & autres per-  
 sonnes puissantz & extortioners  
 deins les countes ou ils sount  
 conversantz pur maintenance  
 avoir & ascuns foitz as tiels  
 persones ensy oustez desconuz  
 a tiel entent pur delaier & de-  
 frauder tiels droiturelx posses-  
 sours de leur droit & recoverer  
 a toutz jours a final disherison  
 de plousours des foials lieges  
 de Roy & semblable est den-  
 crescer de jour en autre si du  
 remedie ne soit purveu celle  
 partie. Nostre Seignur le Roy  
 considerant les premisses ad  
 ordene qe le dit estatut & toutz  
 autres estatutz de tiels entres  
 ou alienation devaunt faitz  
 soient tenuz et duement exe-  
 cutiz ajoustant a icelle qe si de-  
 more en avaunt ascun face tiel  
 forcible entre en terres tene-  
 mentz ou autres possessions ou  
 eux teigne forciblement apres  
 compleint ent fait deins mesme  
 le counte lou tiel entre soit fait  
 as justices de peas ou un de  
 eux par la partie greve qe les  
 justices ou justice ensy garny  
 deins temps covenable facent  
 ou face duement executer le dit  
 estatut & ceo as costages del  
 partie ensy greve.

*Ex Rot. in Tur. Lond.*

Et outre ceo coment qe tielx persones faisantz tiel entre soient presentz ou voidez devant la venu des ditz justices ou justice nientmeins mesmes les justices ou justice en aucun bone ville plus proschein as tenementz ensy entrez ou en aucun lieu covenable solonc loure discretion eient & chescun de eux eit auctorite & poair denquerer par gentz de mesme le countee auxibien de ceux qi fount tielx forcibles entres en terres & tenementz come de ceux qi eux teignent ove force. Et si trove soit devant aucun deux qe aucun face le contraire de cest estatut adonqz les ditz justices ou justice facent ou face reseiser les terres et tenementz ensy en trezou tenuz come devant et mettre la partie ensy ous te en plein possession de mesmes les terres et tenementz come devant entrez ou tenuz. Et si aucune persone apres tiel entre en terres ou tenementz tenuz ove force face feoffement ou autre discontinuance a aucun Seigneur ou autre persone pur maintenaunce avoier ou pur toller et defrauder le possessor de sa recoverer en aucun manere si apres en assise ou autre action ent destre prise ou pursuez devant Justices des assises ou autres Justices le Roy qiconqz par deu enquerre ent apprendre purra duement estre prove mesmes les feoffementz et discontinuances estre faitz pur maintenaunce come desuis est dit qe adonqz tielx feoffementz ou autre discontinuance ensy come devant faitz soient voidez irritez et tenuz pur nulle.

' III. And moreover though  
' that such Persons making such  
' Entry be present, or else de-  
' parted before the coming of  
' the said Justices or Justice,  
' notwithstanding, the same  
' Justices or Justice in some good  
' Town next to the Tenements  
' so entered, or in some other  
' convenient Place, according  
' to their Discretion, shall have,  
' or either of them shall have,  
' Authority and Power to in-  
' quire by the People of the  
' same County, as well of them  
' that make such forcible En-  
' tries in Lands and Tene-  
' ments, as of them which the  
' same hold with Force; and  
' if it be found before any  
' of them, that any doth con-  
' trary to this Statute, then the  
' said Justices or Justice shall  
' cause to reseise the Lands  
' and Tenements so entered or  
' holden as afore, and shall put  
' the Party so put out in full  
' Possession of the same Lands  
' and Tenements so entered or  
' holden as before. And if  
' any Person, after such Entry  
' into Lands or Tenements  
' holden with Force, make a  
' Feoffment or other Discon-  
' tinuance to any Lord or other  
' Person, to have Maintenance,  
' or to take away and defraud  
' the Possessor of his Recovery  
' in any wise, if after in Assize,  
' or other Action thereof to be  
' taken or pursued before Jus-  
' tices of Assises, or other the  
' King's Justices whatsoever,  
' by due Inquiry thereof to be  
' taken, the same Feoffments  
' and Discontinuances may be  
' duly proved, to be made for  
' Maintenance as afore is said,  
' that then such Feoffments, or  
' other Discontinuance, so as  
' before made, shall be void,  
' frustrate, and holden for  
' none.'

No. 3.  
8 Henry VI.  
c. 9.

1 Leonard 327.  
The Remedy  
where any Per-  
son entering by  
Force doth  
alienate the same  
Land to have  
Maintenance.  
1 R. 2 c. 9.  
Dyer 122, 187.  
9 Co 118.  
11 Co 65.  
7 Ed 4 f. 18.  
4 H 7 f. 18.  
Cro. Eliz. 181.  
189, 306, 458,  
461, 582, 654,  
738, 915.  
Cro Jac 17, 19,  
31, 41, 148, 151,  
176, 214.  
Cro Car 101.

No. 3.  
8 Henry VI  
c. 9.

The Justices  
Precept to the  
Sheriff to return  
a Jury to inquire  
of forcible En-  
tries.

Juror to have  
40s. per Ann.

The Sheriff's  
Penalty for  
omitting his  
Duty.

IV. And also when the  
said Justices or Justice make  
such Inquiries as before, they  
shall make, or one of them  
shall make, their Warrants  
and Precepts to be directed  
to the Sheriff of the same  
County, commanding him of  
the King's Behalf to cause to  
come before them, and every  
of them, sufficient and indif-  
ferent Persons, dwelling next  
about the Lands so entered as  
before, to inquire of such En-  
tries, whereof every Man,  
which shall be impanelled to  
inquire in this Behalf, shall  
have Land or Tenement of  
the yearly Value of forty Shil-  
lings by Year at the least,  
above Reprises. And that  
the Sheriff return Issues upon  
every of them at the Day of  
the first Precept returnable  
xx. s. and at the second Day  
xl. s. and at the third Time  
C. s. and at every day after,  
the double. And if any Sheriff  
or Bailiff within a Franchise,  
having Return of the King's  
Writ, be slack, and make  
not Execution duly of the said  
Precepts to him directed to  
make such Inquiries, that he  
shall forfeit to the King xx. li.  
for every Default, and more-  
over shall make Fine and Ran-  
son to the King.

V. And that as well the  
Justices or Justice aforesaid,  
as the Justices of Assises,  
and every of them, at their  
coming into the Country to  
take Assises, shall have, and  
every of them shall have,  
Power to hear and determine  
such Defaults and Negli-  
gencies of the said Sheriff  
and Bailiffs, and every of  
them, as well by Bill at the  
Suit of the Party grieved for  
himself as for the King, to

*Ex Rot. in Turr. Lond.*

Et auxi quant les ditz Jus-  
tices ou Justice ferrent tielx en-  
querrez come devaunt facent  
ou face lour gariantz & pre-  
cepts directs al viscount de  
mesme le counte lui comaund-  
ant depar le Roi de faire venir  
devaunt eux et chescuns deux  
persones sufficientz et indiffe-  
rentz plus prochains demur-  
rantz entour les tenementz  
ensy entrez come devaunt den-  
querrez de tielx entres dount  
chescun qi sera empanelle den-  
querrez en celle partie ait terre  
ou tenement de annuel value de  
xl. s. par an au meins outre les  
reprises. Et qe le viscount re-  
tourne issuez sur chescun deux  
au jour de primer precept re-  
tornable xx. s. & al seconde  
jour xl. s. & al tierce foitz C. s.  
& au chescun jour apres le  
double. Et si ascun viscount  
ou baillif deinz franchise aiantz  
retourne de brieve du Roy soit  
lacche et ne face duement exe-  
cution des ditz preceptz a luy  
directz pui tielx enquerrez faire  
qil forface devers le Roi xx. li.  
pur chescun default & outre face  
sijn & rauceon au Roy.

Et qe auxibien les justices  
ou justice avaunt ditz come les  
justices des assises a lour venir  
en pais pur assises prendre cient  
& chescun de eux ait poair  
doier et terminer tielx defautes  
& negligences des ditz viscountz  
& baillifs & chescun de eux  
auxibien par bille al suite del  
partie greve pur luy mesme  
come pur le Roy a suer come  
par enditement a prendre pur  
le Roy soulement. Et si le  
viscount ou baillif soit duement

*Ex Rot. in Turri. Lond.*  
atteint en celle partie par en-  
ditement ou par bille qe celuy  
qi sue pur luy & pur le Roi eut  
une moitee de la forfaiture de  
xx. li. ensemblement ove ses  
costages & expenses. Et qe  
mesme la processe soit fait vers  
tielx enditees ou suez par bille  
en celle partie sicome serroit  
vers enditez ou suez par briefe  
de trespas fait ove force &  
armes encountre la peas du  
Roy.

Et outre ceo si ascun per-  
sone soit ouste ou disseisie das-  
cuns terres ou tenementz ove  
forcible manere ou ouste peisi-  
blement & apres tenu dehors  
ove forte main ou apres tielle  
entre ascun feoffement ou dis-  
continuance en aucune manere  
ent soit fait pur defrauder &  
toller le droit del possessor qe  
la partie greve en celle partie  
oit assise de novell disseisine ou  
briefe de trespas vers tiel dis-  
seisor. Et si la partie greve  
recovere par assise ou par ac-  
tion de trespas & trouve soit par  
verdit ou en autre manere par  
due forme en ley qe la partie  
defendant entra ove force en  
terres et tenementz ou eux par  
force apres son entre tiendra qe  
le pleyntif recoversa ses da-  
mages au treble vers le defend-  
ant & outre ceo qil face fyn &  
raunceon au Roy. Et qe mairs  
justices ou justice de peas vis-  
countz & baillifs des citees  
villes & burghs aiantz fran-  
chise eient en les ditz citees  
villes & burghs autiel poair de  
tielx entrees oustier & en au-  
tres articles desuisdites emer-  
genz deinz ycelle come ount  
les justices de peas et viscountes  
en countees & pais suisdites.

'sue by Indictment only to be  
'taken for the King. And if  
'the Sheriff or Bailiff be duly  
'attainted in this Behalf by  
'Indictment, or by Bill, that  
'he which sueth for himself  
'and for the King have the one  
'Moiety of the Forfeiture of  
'xx. li. together with his Costs  
'and Expences. And that the  
'same Process be made against  
'such Persons indicted or sued  
'by Bill in this Behalf, as should  
'be against Persons indicted or  
'sued by Writ of Trespas done  
'with Force and Arms against  
'the Peace of the King.

'VI. And moreover, if  
'any Person be put out, or  
'disseised of any Lands or  
'Tenements in forcible Man-  
'ner, or put out peaceably,  
'and after holden out with  
'strong Hand; or, after such  
'Entry, any Feoffment or Dis-  
'continuance in any wise  
'thereof be made, to defraud  
'and take away the Right of  
'the Possessor; that the Party  
'grieved in this Behalf shall  
'have assise of *Novel disseisin*,  
'or a Writ or Trespas against  
'such Disseisor. And if the  
'Party grieved recover by  
'Assise, or by Action of Tres-  
'pass, and it be found by Ver-  
'dict, or in other Manner by  
'due Form in the Law, that  
'the Party Defendant entered  
'with Force into the Lands  
'and Tenements, or them  
'after his Entry did hold with  
'Force, that the Plaintiff shall  
'recover his Treble Damages  
'against the Defendant; and  
'moreover, that he make Fine  
'and Ransom to the King.  
'And that Mayors, Justices of  
'Justice of Peace, Sheriff, and  
'Bailiffs of Cities, Towns, and  
'Boroughs, having Franchise,  
'have in the said Cities, Towns

No. 3.  
8 Henry VI.  
c. 9.

What Action  
may be had  
against him who  
doth put out, or  
keep out of Pos-  
session with  
Force. Savil 68.  
1 H. 7, f. 19.  
6 H. 7, f. 12.  
10 H. 7, f. 19.  
15 H. 7, f. 17.  
Dyer f. 142.  
Fitz. Ent. 15.  
16, 17, 18, 24.  
27, 33, 39, 45.  
10 H. 7, f. 12.  
10 Ed. 4, f. 10.  
Dyer, 214.  
Fitz. Dam. 23,  
25.  
10 Co. 116.  
11 Co. 30.  
Cro. El. 93, 96,  
106, 697.  
22 H. 6, f. 18.  
Kel. 1, 74, a.  
187.  
14 H. 7, f. 28.  
Dyer, f. 141.  
Bro. Force, 22.  
1 Bulst. 218.  
2 Leon. 52.  
Co. pl. f. 31c

The Auto-  
rity of the chief  
Officers in Ci-  
ties, &c. to re-  
press force In-  
forced and ex-  
plained by 31  
El. c. 11.

No. 3. and Botoughs, like Power to  
 8 Henry VI. remove such Entries, and in  
 c. 9. other Articles aforesaid, rising  
 within the same, as the Jus-  
 tices of Peace and Sheriffs in  
 Counties and Countries afore-

They may keep  
 their Land by  
 Force who have  
 had three Years  
 Possession.

1 Salk. 356

1 Inst. 257.

5 R. 2 st. 1.

c. 7.

4 H. 4. c. 8.

23 H. 8. c. 14.

and see 21 Jac.

1. c. 15, which

enables Justices

to give Restitu-

tion in certain

Cases.

• said have

• VII. Provided always,

• That they which keep their

• Possessions with Force in

• any Lands and Tenements,

• whereof they or their Ances-

• tors, or they whose Estate

• they have in such Lands and

• Tenements, have continued

• their Possessions in the same

• by three Years, or more, be

• not endamaged by Force of

this Statute.

*Ex Rot. in Turr. Lond.*

Purveu toutz soitz qe ceux  
 q'i garde par force lour posses-  
 sions en ascuns terres ou tene-  
 mentz dount ils ou lour ances-  
 tres ou ceux qeux estatz ils ont  
 en tielx terres et tenementz  
 ont contenu lour possessions  
 en ycelles par trois ans ou plus  
 ne soient my endamagiez par  
 force de cell estat.

#### No. 4.

23 Henry VIII. c. 14. — Process of Outlawry to lie  
 in Actions, on 5 Rich. II. and in Covenant and  
 Annuity.

#### No. 4

23 Henry VIII.  
 c. 14

Like Process  
 to be had in  
 every Writ of  
 Annuity and  
 Covenant, as in  
 an Action of  
 Debt.

5 R. 2, stat. 1,  
 c. 8.

Br. Exigent, 22,  
 53, 63.

Br. Process, 12,  
 125.

**F**ORASMUCH as there is great Delay in Actions of Tres-  
 pass brought upon the Statute of RICHARD the Second,  
 made in the Fifth Year of his Reign, against them that make  
 Entries into any Lands or Tenements where their Entry  
 is not given by the Law, and also in Actions of Annuity,  
 and Actions of Covenant, because there lieth no Process  
 of Outlawry in such Nature of Actions: (2.) For Reforma-  
 tion whereof, it may please the King's Highness, by the  
 Advice of the Lords Spiritual and Temporal, and the Com-  
 mons, in this present Parliament assembled, and by Authority  
 of the same, to ordain and enact, That like Process be had  
 hereafter in every Action from henceforth to be brought upon  
 the said Statute *Anno quinto*, as is in a common Action of  
 Trespass at the Common Law, (3) and that also like Process  
 be had in every Writ of Annuity and Covenant hereafter to  
 be sued, as is in an Action of Debt.

#### No. 5.

31 Eliz. c. 11. — An Act of Explanation or Declaration  
 of the Statute of *octavo Regis H.* 6. concerning  
 forcible Entries, the Indictments thereupon found.

#### No. 5.

31 Eliz. c. 11.

**W**HEREAS there is one good Act made and established  
 in the eighth Year of the Reign of King Henry the  
 Sixth, against such Persons as should make forcible Entry

'into Lands, Tenements and other Possessions, or them should No. 5.  
'forcibly hold; and one very good Proviso or Clause, in the 31 Eliz. c. 11.  
'said Act contained, as ensueth:' 8 H. 6. c. 9.

'II. Provided always, That they which keep their  
'Possessions with Force, in any Lands and Tenements  
'whereof they or their Ancestors have continued their Posses-  
'sion in the same by three Years or more, be not endamaged  
'by Force of the said Statute.'

'III. And whereas divers of the Queen's Majesty's good The Proviso in  
'and loving Subjects and their Ancestors, or those whose the Statute of  
'Estate they have, for many Years together, above the Space 8 H. 6. c. 9  
'of three Years or more, have been in quiet Possession touching Conti-  
'of their Dwelling-houses, and other their Lands and Posses- nuance of Pos-  
'sions; and now of late divers of her Majesty's said Subjects, sessions by three  
'having Entries made upon their Possessions, having had Years.  
'such quiet and long Possession, for disturbing of such 1 Salk 353.

'Entrers, and for keeping of their Possession against such  
'Entrers, by Colour of Indictments of forcible Entry, or for-  
'cible keeping Possession, found against them, by Means of  
'the Oaths of such Entrers, have been removed and put out  
'of their Dwelling-houses, and other their Possessions which  
'they have quietly held by the Space of three Years together  
'or longer Time, next before such Indictments found against  
'them, against the true Meaning and Intent of the said  
'Proviso or Clause contained in the said Act: (2) For Remedy  
of which Inconvenience, and for true Declaration and Expla-  
nation of the Law therein, (3) Be it ordained, declared and  
enacted by the Authority of this present Parliament, That no  
Restitution upon any Indictment of forcible Entry, or holding  
with Force, be made to any Person or Persons, if the Person  
or Persons so indicted hath had the Occupation or hath been  
in quiet Possession by the Space of three whole Years together  
next before the Day of such Indictment so found, and his, her  
or their Estate or Estates therein not ended or determined;  
which the Party indicted shall and may alledge for Stay of  
Restitution, and Restitution to stay until that be tried if the  
other will deny or traverse the same: (5) And if the same  
Allegation be tried against the same Person or Persons so  
indicted, then the same Person or Persons so indicted to pay  
such Costs and Damages to the other Party, as shall be assess-  
ed by the Judges or Justices before whom the same shall be  
tried; the same Costs and Damages to be recovered and levied  
as is usual for Costs and Damages contained in Judgments upon  
other Actions. 5 R. 2 Stat. 1. c. 7. 15 R. 2. c. 2. 4 H. 1.  
c. 8. 21 Jac. 1. c. 15.

No Restitu-  
tion shall be  
made if the Par-  
ty indicted hath  
been three years  
in quiet Posses-  
sion, and his  
Estate not end-  
ed.  
Raym. 84, 85.  
Dyer 141.  
Costs shall be  
awarded against  
the Party in-  
dicted, if his  
said Allegation  
be found against  
him.

## No. 6.

21 James I. c. 15.—An Act to enable Judges and Justices of the Peace to give Restitution of Possession in certain Cases.

No. 6.

21 James I.

c. 15.

4 Inst. 176.

Restitution of Possession shall be given, to avoid Entries with Force, in Estates for Years, &c Latch 183.

**B**E it enacted by the Authority of this present Parliament, That such Judges, Justices or Justice of the Peace, as by reason of any Act or Acts of Parliament now in force are authorized and enabled upon Enquiry, to give Restitution of Possession unto Tenants of any Estate of Freehold, of their Lands or Tenements which shall be entered upon with Force, or from them withholden by Force, shall by reason of this present Act have the like and same Authority and Ability from henceforth (upon Indictment of such forcible Entries, or forcible Withholdings before them duly found) to give like Restitution of Possession unto Tenants for Term of Years, Tenants by Copy of Court-Roll, Guardians by Knights-Service, Tenants by *Elegit*, Statute-Merchant and Staple, of Lands or Tenements by them so holden, which shall be entered upon by Force, or holden from them by Force. 5 R. 2. Stat. 1. c. 7. 15 R. 2. c. 2. 8 H. 6. c. 9. 31 El. c. 11.

## PART VI. CLASS XVIII.

### FRIENDLY SOCIETIES.

#### No. 1.

33 George III. c. 54.—An Act for the Encouragement and Relief of Friendly Societies.—[21st. June 1793.]

‘**W**HEREAS the Protection and Encouragement of Friendly Societies in this Kingdom, for raising, by voluntary Subscription of the Members thereof, separate Funds for the mutual Relief and Maintenance of the said Members in Sickness, old Age, and Infirmary, is likely to be attended with very beneficial Effects, by promoting the Happiness of Individuals, and at the same Time diminishing the publick Burthens; may it therefore please your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for any Number of Persons, in Great Britain, to form themselves into, and to establish one or more Society or Societies of good Fellowship, for the Purpose of raising, from Time to Time, by Subscriptions of the several Members of every such Society, or by voluntary Contributions, a Stock or Fund for the mutual Relief and Maintenance of all and every the Members thereof, in old Age, Sickness and Infirmary, or for the Relief of the Widows and Children of deceased Members; and to and for the several Members of each such Society, or such Number of them as shall be nominated a Committee for that Purpose, from Time to Time to assemble together, and to make, ordain, and constitute such proper and wholesome Rules, Orders, and Regulations for the better Government and Guidance of the same, as to the major Part of such Society, or such Committee thereof, so assembled together, shall seem meet, so as such Rules, Orders, and Regulations shall not be repugnant to the Laws of this Realm, nor any of the express Provisions or Regulations of this Act, and to impose and inflict such reasonable Fines and Forfeitures upon the several Members of any

No.  
33 George III  
c. 54.

Any Number of Persons may form themselves into a Society, and raise among themselves a Fund for their mutual Beneft, and may make Rules and impose Fines, &c.



No. 1. such Society who shall offend against such Rules, Orders, or  
 33 George III. Regulations, as shall be just and necessary for duly enforcing  
 c. 54. the same, to be respectively paid to such Uses, for the Benefit  
 of such Society, as such Society, by such Rules, Orders, or  
 Regulations, shall direct; and also from Time to Time to alter  
 and amend such Rules, Orders, and Regulations as Occasion  
 shall require, or to annul and repeal the same, and to make  
 new Rules, Orders, and Regulations in lieu thereof, under  
 such Restrictions as are in this Act contained. (1.)

Rules of such  
 Societies to be  
 exhibited to the  
 Justices in  
 Quarter Sessi-  
 ons, who may  
 annul or confirm  
 them.

II. Provided always, and be it further enacted by the  
 Authority aforesaid, That all such Rules, Orders, and Regu-  
 lations, with all convenient Speed after the same shall be  
 made, altered, or amended, and so from Time to Time after  
 every making, altering, or amending thereof, shall be exhibited  
 in Writing to the Justices of the Peace assembled at the Gene-  
 ral Quarter Sessions of the Peace, or at any Adjournment  
 thereof, in and for the County, Riding, Division, or Shire  
 where such Society shall be established, and such Rules, Orders,  
 and Regulations shall be subject to the Review of such Justices,  
 who shall and may, after due Examination thereof, at the then,  
 or the then next subsequent Session, annul and make void all  
 such Rules, Orders, or Regulations as shall be repugnant to  
 this Act, and shall allow and confirm all such Rules, Orders,  
 and Regulations as shall be conformable to the true Intent and  
 Meaning of this Act; and after the Confirmation thereof by  
 such Justices, all such Rules, Orders, and Regulations, so con-  
 firmed, shall be signed by the Clerk of the Peace at such Ses-  
 sions, and a Duplicate thereof, being first fairly wrote on  
 Parchment, shall be deposited with the Clerk of the Peace at  
 such Sessions, to be by him filed with the Rolls of the Sessions  
 there, without any Fee to be paid for any Matter or Thing  
 relating to the same; and such Rules, Orders, and Regulations,  
 approved of and confirmed by the Justices, and filed as afore-  
 said, shall be binding upon all Parties during the Continuance  
 of the same; and no such Society, which shall hereafter be  
 established, shall be deemed or taken to be within the Intent  
 and Meaning of this Act, until good and competent Rules,  
 Orders, and Regulations for the Government of the same shall  
 have been confirmed by the Justices and filed as aforesaid,  
 according to the Directions of this Act before mentioned: nor  
 shall any such Society, which hath already been established for  
 the Purpose aforesaid, be, or be deemed or taken to be, within

Rules to be  
 signed by the  
 Clerk of the  
 Peace, and de-  
 posited with  
 him.

No Society to  
 be within the  
 Meaning of this  
 Act till their  
 Rules have been  
 confirmed.

(1.) In *Rex v. Justices of Staffordshire*, 12 East. 280, the Court of  
 B. R. refused a Mandamus to allow the Rules of a Society of Roman Catholic  
 Secular Priests, as not being within the Meaning of the Act; the Object of  
 the Society not being confined to the charitable Relief and Maintenance of its  
 old, sick, and infirm Members. There are many Societies established amongst  
 Journeymen in particular Trades, ostensibly for the Purposes of this Act, but  
 really for the Purpose of supporting illegal Combinations; and I have seen  
 the Rules of such Societies (which have been inadvertently allowed) containing  
 Provisions which were evidently foreign from the Purposes of the Act. At  
 some Sessions it is the Practice not to allow the Rules of any Society, in which  
 all the Members are, by the Constitution of the Society, to be of the same  
 Occupation.

the Intent and Meaning of this Act, unless all the Rules, Orders, or Regulations, under which such Society is thereafter to be governed, shall be exhibited and confirmed in Manner aforesaid, and shall be filed at the General Quarter Sessions of the Peace, or at any Adjournment thereof, to be holden in and for the County, Riding, Division, or Shire where such Society hath been established, at some Time before or immediately next after the Feast of *Saint Michael* in the Year one thousand seven hundred and ninety-four.

III. Provided also, and be it further enacted by the Authority aforesaid, That no Rule, Order, or Regulation, confirmed by the Justices of the Peace in Manner aforesaid, shall be altered, rescinded, or repealed, unless at a General Meeting of the Members of such Society as aforesaid, convened by Publick Notice, in Writing, signed by the Secretary or Clerk of such Society, in pursuance of a Requisition for that Purpose, by three or more of the Members of such Society, and publicly read at the two usual Meetings of such Society to be held next before such General Meeting, for the Purpose of such Alteration or Repeal, unless a Committee of such Members shall have been nominated for that Purpose, in which Case such Committee shall be convened in like Manner, and unless such Alteration or Repeal shall be made with the Concurrence and Approbation of three-fourths of the Members of such Society then and there present, or by the like Proportion of such Committee as aforesaid, if any shall have been nominated for that Purpose; and such Alteration or Repeal shall be subject to the Review of the Justices at such General Quarter Sessions of the Peace, or at any Adjournment thereof, as aforesaid, and shall be filed in the Manner herein-before directed; and that no such Rule, Order, or Regulation shall be binding, or have any Force or Effect, until the same shall have been agreed to and confirmed by such Justices, and filed as aforesaid.

IV. And be it further enacted by the Authority aforesaid, That every such Society shall and may, from Time to Time, at any of their General Meetings, or by their Committee, if any such shall be appointed for that Society, elect and appoint such Persons into the Office of Steward, President, Warden, Treasurer, or Trustee of such Society as they shall think proper, and also shall and may from Time to Time elect and appoint such Clerks and other Officers as shall be deemed necessary to carry into Execution the Purposes of such Institution, for such Space of Time, and for such Purposes, as shall be fixed and established by the Rules and Regulations of such Society, and from Time to Time to elect and appoint others in the Room of those who shall vacate or die; and such Treasurer or Treasurers, Trustee or Trustees, and all and every other Officer or Officers, or other Persons whatever, who shall be appointed to any Office in any wise touching or concerning the Receipt, Management, or Expenditure of any Sum or Sums of Money collected for the Purpose of any such Society, before he or they shall be admitted to take upon him or them the Exe-

No. 1.  
George III.  
c. 54.

\* No confirmed Rule to be altered but at a General Meeting of the Society, &c.

A' alterations of Rules to be subject to the Review of the Quarter Sessions.

Society may appoint Officers

Securities to be given for Officers of Trust, if required.

No. 1. cution of any such Office or Trust, shall (if required so to do  
 33. George III. by the Rules or Regulations of such Society to which such  
 c. 54. Officers shall belong) become bound with two sufficient Sure-  
 ties for the just and faithful Execution of such Office or Trust,  
 and for rendering a just and true Account, according to the  
 Rules, Orders, and Regulations of such Society, and in all  
 Matters lawful to pay Obedience to the same, in such penal  
 Sum or Sums of Money as by the major Part of such Society, at  
 any such Meeting as aforesaid, shall be thought expedient, and  
 to the Satisfaction of such Society; and that every such Bond  
 or Bonds to be given by or on the Behalf of such Treasurer or  
 Treasurers, Trustee or Trustees, shall be given to the Clerk of  
 the Peace of the County, Riding, Division or Shire, where  
 such Society shall be established for the Time being, without  
 Fee or Reward; and in case of Forfeiture, it shall be lawful to  
 sue upon such Bond, in the Name of the Clerk of the Peace  
 for the Time being, for the Use of the said Society; and every  
 such Bond or Bonds to be given by any other Person or Persons  
 appointed to any such other Office or Trust as aforesaid, shall  
 be given to the Treasurer or Treasurers, Trustee or Trustees,  
 as aforesaid, of such Society for the Time being, to be by him  
 or them respectively prosecuted for any Forfeiture thereof, and  
 for the Use of such Society to which such Officer or Officers  
 shall belong; and no Bond or other Security to be given to or  
 on Account of any such Society, or in pursuance of this Act,  
 shall be charged or chargeable with any Stamp Duty what-  
 ever.

Treasurers or  
 Trustees to give  
 Bond to the  
 Clerk of the  
 Peace;

and other Per-  
 sons to the  
 Treasurers or  
 Trustees.

Bonds not  
 chargeable with  
 Stamp Duty.

Appointment  
 of Committees.

Powers of  
 Standing Com-  
 mittees to be  
 declared in the  
 Rules of the  
 Society, and  
 of particular  
 ones entered in  
 a Book.

V. And be it further enacted by the Authority aforesaid,  
 That every such Society shall and may, from Time to Time,  
 elect and appoint any Number of the Members of such Society,  
 not less than eleven, to be a Committee, and shall and may  
 delegate to such Committee all or any of the Powers given by  
 this Act to be executed, who being so delegated shall continue  
 to act as such Committee for and during such Time as they  
 shall be appointed; and in all Cases where a Standing Com-  
 mittee shall be appointed for such Society, for general Purposes,  
 the Powers of such Committee shall be first declared in and by  
 the Rules, Orders, and Regulations of such Society, confirmed  
 by the Justices of the Peace at their Sessions, and filed in the  
 Manner herein-before directed; and in all Cases where a  
 Committee shall be appointed for any particular Purpose or  
 Purposes, the Powers delegated to such Committee shall be  
 reduced into Writing, and entered into a Book by the Secretary  
 or Clerk of such Society, and five of the Members of such  
 Committee, at least, shall at all Times be necessary to concur  
 in any Act of such Committee, and such Committee shall, in  
 all Things delegated to them, act for and in the Name of such  
 Society; and all Acts and Orders of such Committee, under  
 the Powers delegated to them, shall have the like Force and  
 Effect as the Acts and Orders of such Society, at any General  
 Meeting thereof, could or might have had in pursuance of this  
 Act: Provided always, that the Transactions of such Committee  
 shall be from Time to Time and at all Times, subject and liable

to the Review, Allowance or Disallowance, and Control of such Society, in such Manner and Form as such Society shall by their General Rules, Orders, and Regulations, confirmed by the Justices and filed as aforesaid, have directed and appointed, or shall in like Manner direct and appoint.

VI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Treasurer or Treasurers, Trustee or Trustees for the Time being, of any such Society, and he and they is and are hereby authorized and required from Time to Time, by and with the Consent of such Society, to be had and testified in such Manner as shall be directed by the General Rules and Orders of such Society, to lay out or dispose of such Part of all such Sums of Money, as shall at any Time be collected, given, or paid to and for the beneficial Ends, Intents, and Purposes of such Society, as the Exigencies of such Society shall not call for the immediate Application or Expenditure of, either on private Securities, to be approved of as aforesaid, (such Securities to be taken in the Name or Names of such Treasurer or Treasurers, Trustee or Trustees for the Time being,) or to invest the same in the Public Stocks or Funds, in the proper Name or Names of such Treasurer or Treasurers, Trustee or Trustees, and from Time to Time, with such Consent as aforesaid, to alter and transfer such Securities and Funds, and to make Sale thereof respectively.

VII. And be it further enacted by the Authority aforesaid, That all the Dividends, Interest, and Proceeds which shall from Time to Time arise from the Monies so laid out or invested as aforesaid, shall, from Time to Time, be brought to account by such Treasurer or Treasurers, Trustee or Trustees, and shall be applied to and for the Use of such Society, according to the Rules, Orders, and Regulations thereof.

VIII. Provided always, and be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers, Trustee or Trustees, for the Time being, and all other Officers of any such Society, who shall have or receive any Part of the Monies, Effects, or Funds of such Society, or shall in any Manner have been or shall be entrusted with the Disposition, Management, or Custody thereof, or of any Securities relating to the same, his, her, and their Executors, Administrators, and Assigns respectively, shall, upon Demand made, in pursuance of any Order by such Society or Committee to be appointed as aforesaid for that Purpose, give in his or their Account or Accounts, at a General Meeting of any such Society, or to such Committee thereof as aforesaid, to be examined, and allowed or disallowed, and shall, on the like Demand, pay over all the Monies remaining in his or their Hands, and assign and transfer or deliver all Securities, Effects, or Funds taken or standing in his or their Name or Names as aforesaid, or being in his or their Hands or Custody, to the Treasurer or Treasurers, or Trustee or Trustees, for the Time being, or to such Person or Persons as such Society shall appoint; and in case

No. 1.

33 George III.  
c. 54Committees  
controllable by  
Society.Treasurers or  
Trustees to lay  
out Surplus of  
Contributions,and to bring the  
Proceeds to Ac-  
count for the  
Use of the So-  
ciety.Treasurers,  
&c. to render  
Accounts, and  
pay over Balan-  
ces, &c

**No. 1.** of any Neglect or Refusal to deliver such Account, or to pay  
**33 George III.** over such Monies, or to assign, transfer, or deliver such Securities or Funds in Manner aforesaid, it shall and may be lawful  
**c. 54.** to and for every such Society, in the Name of the Treasurer or Treasurers, Trustee or Trustees thereof, as the Case may be, to exhibit a Petition in the High Court of Chancery, or the Court of Exchequer, in *England*, or the Court of Session in *Scotland*, or the Courts of Great Sessions in *Wales* respectively, who shall and may proceed thereupon in a summary Way, and make such Order therein, upon hearing all Parties concerned, as to such Court in their Discretion shall seem just; and all Assignments and Transfers made in pursuance of such Order shall be good and effectual in Law, to all Intents and Purposes whatsoever.

No Fee to be taken for any Proceedings in such Courts, &c.

**IX.** And be it further enacted by the Authority aforesaid, That no Fee, Reward, Emolument, or Gratuity whatsoever, shall be demanded, taken, or received by any Officer or Minister of such Court, for any Matter or Thing done in such Court in pursuance of this Act; and that upon the presenting of any such Petition, it shall be lawful for the Lord High Chancellor, the Master of the Rolls, and Barons of the Exchequer, respectively, in *England*, or the Lords of Session in *Scotland*, or the Judges of any of the Courts of Great Sessions in *Wales*, to assign Counsel learned in the Law, and to appoint a Clerk of such Court to advise and carry on such Petition on the Behalf of such Society, who are hereby respectively required to do their Duties therein without Fee or Reward; and that no such Proceedings in such Court, in pursuance of this Act, shall be chargeable with any Stamp Duty.

Executors, &c. to pay Money due to Societies before any other Debts.

**X.** And be it further enacted by the Authority aforesaid, That if any Person appointed to any Office by any such Society, and being entrusted with or having in his Hands or Possession any Monies or Effects belonging to such Society, or any Securities relating to the same, shall die, or become a Bankrupt, or Insolvent, his Executors or Administrators, Assignee or Assignees, shall, within forty Days after Demand made by the Order of any such Society, or the major Part of them assembled at any Meeting thereof, deliver over all Things belonging to such Society, to such Person or Persons as such Society shall appoint, and shall pay out of the Assets or Effects of such Person, all Sums of Money remaining due, which such Person received by Virtue of his said Office, before any of his other Debts are paid or satisfied; and all such Assets and Effects shall be bound to the Payment and Discharge thereof accordingly.

Effects of Societies to be vested in the Treasurers or Trustees for the Time being, who may bring and defend Actions, &c.

**XI.** And be it further enacted by the Authority aforesaid, That all Monies, Goods, Chattels, Stocks, Annuities and other transferable Securities and Effects whatever, belonging to such Society, shall be vested in the Treasurer or Treasurers, Trustee or Trustees, for the Time being, for the Use and Benefit of such Society, and from and after the Death or Removal of any

Treasurer or Treasurers, Trustee or Trustees, shall vest in the succeeding Treasurer or Treasurers, Trustee or Trustees, for the same Estates and Interests as he or they then had therein, and subject to the same Trust without any Assignment or Transfer whatever; and also shall, for all Purposes of Action or Suit, as well Criminal as Civil, in Law or in Equity, in any wise touching or concerning the same, be deemed and be taken to be, and shall in every such Proceeding (where necessary) be stated to be the Property of the Person or Persons appointed to the Office of Treasurer or Treasurers, Trustee or Trustees (as the Case may be) of such Society for the Time being, in his, her, or their proper Name or Names; and such Person or Persons so appointed shall, and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution, Criminal as well as Civil, touching or concerning such Monies, Goods or Chattels, or Effects, of or belonging to such Society; and such Person or Persons so appointed shall and may, in all Cases concerning the Property of such Society, sue and be sued, plead and be impleaded, in his or their proper Name or Names, without other Description; and no such Suit, Action, or Prosecution shall be discontinued or abate by the Death or Removal of such Person or Persons from the said Office of Treasurer or Treasurers, Trustee or Trustees aforesaid, but the same shall and may be proceeded in by the succeeding Treasurer or Treasurers, Trustee or Trustees, in the proper Name or Names of the Person or Persons commencing the same; any Law, Usage, or Custom to the contrary thereof notwithstanding.

No. 1.  
33 George III.  
c. 54.

XII. And be it further enacted by the Authority aforesaid, That every such Society so to be established as aforesaid, before any of the Rules, Orders, or Regulations thereof shall be confirmed by the Justices in the Manner herein-before directed, shall, in or by one or more of the General Rules, Orders, or Regulations to be confirmed by such Justices, declare all and every the Intents and Purposes for which such Society is intended to be established; and shall also, in and by such Rules, Orders, and Regulations, direct all and every the Uses and Purposes to which the Money, which shall from Time to Time be subscribed, paid, or given to, or for the Use or Benefit of such Society, or which shall arise therefrom, or in anywise belonging to such Society, shall be appropriated and applied, and in what Shares and Proportions, and under what Circumstances, any Member of such Society, or other Person, shall or may become entitled to the same, or any Part thereof; and which Application shall not in anywise be repugnant to the Uses, Intents and Purposes of such Society, or any of them, so to be declared as aforesaid; and all such Rules, Orders, or Regulations, during the Continuance of the same, shall be complied with and enforced; and the Monies so subscribed, paid, or given, or so arising to or for the Use or Benefit of such Society, or belonging thereto, shall not be diverted or misapplied, either by the Treasurer or Treasurers, Trustee or Trustees, or

Societies to declare the Purpose of their Establishment, &c before the Confirmation of their Rules by the Quarter Sessions;

and may incur Penalty for Misapplication of Money.

No. 1. any other Officer or Officers of such Society entrusted there-  
 33 George III. with, under such Penalty or Forfeiture as such Society shall by  
 c. 54. any General Rule, Order, or Regulation impose and inflict for  
 The Consent such Offence; and that it shall not be lawful for any such Socie-  
 necessary for ty, by any Rule, Order, or Regulation, at any General Meet-  
 Dissolution of ing or otherwise, to dissolve or determine such Society, so long  
 Societies. as the Intents or Purposes declared by such Society, or any of  
 them, remain to be carried into Effect, without the Consent and  
 Approval of Five-sixths of the then existing Members of  
 such Society, and also of all Persons then receiving, or then  
 entitled to receive, Relief from such Society, either on Account  
 of Sickness, Age, or Infirmary, to be testified under their  
 Hands, individually and respectively; nor shall it be lawful  
 for such Society, by any Rule, Order, or Regulation, to direct  
 the Division or Distribution of such Stock or Fund, or any Part  
 thereof, to or amongst the several Members of such Society,  
 other than for carrying into Effect the general Intents and Pur-  
 poses of such Society declared by them, and confirmed by the  
 Justices of the Peace as aforesaid, according to the Directions  
 of this Act, but that all such Rules, Orders, or Regulations  
 for the Dissolution or Determination of any such Society, with-  
 out such Consent as aforesaid, or for the Distribution or Divi-  
 sion of the Stock or Fund of such Society, contrary to the Rules,  
 Orders, and Regulations which shall have been confirmed by  
 the said Justices at their Sessions, and filed in pursuance of  
 this Act, shall be void and of none Effect.

Stock not di-  
 visible but for  
 the general Pur-  
 poses of the So-  
 ciety.

Rules to be  
 entered into a  
 Book, and re-  
 ceived in Evi-  
 dence, &c.

XIII. And be it further enacted by the Authority afore-  
 said, that all the Rules, Orders, and Regulations, from Time  
 to Time made, ordained, and constituted by any such Society,  
 in the Manner directed by this Act, shall be forthwith entered  
 into a Book or Books to be kept by one or more of the Mem-  
 bers of such Society, to be appointed for that Purpose, and  
 shall be signed by the said Members, and shall at all seasonable  
 Times be open for the Inspection of any Member of such  
 Society; and such Rules, Orders, and Regulations so entered  
 and signed, shall be deemed Original Orders, and shall be  
 received in Evidence as such in all Disputes and in all Trials  
 before any Court in this Kingdom; and that no *Certiorari*  
 shall be brought or allowed to remove any of the Rules,  
 Orders, or Regulations of any such Society, made in, pur-  
 suance of this Act, into any of his Majesty's Courts of Record  
 at *Westminster*.

Societies may  
 receive Donations.

XIV. And be it further enacted by the Authority afore-  
 said, That it shall and may be lawful for any such Society  
 to receive Donations of any Person or Persons, towards the  
 Supply of their Stock or Fund, and all such Sums shall be  
 applicable to the general Purposes of such Society, in the like  
 Manner as the Contributions of the several Members of such  
 Society are or shall be directed to be applied in pursuance of  
 the Act, and shall not be applied in any other Manner.

Proceedings, the  
 Act, and shall not  
 be applied in any  
 other Manner.

XXV. And be it further enacted by the Authority aforesaid,  
 that if any Person having been admitted a Member of any

such Society established by virtue of this Act, shall think himself aggrieved by any Act, Matter, or Thing done or omitted to be done by any such Society, or any Person or Persons acting under them, it shall and may be lawful for any two or more Justices of the Peace of the County, Riding, Division, or Shire, where, or near unto the Place where such Society shall be established, on Complaint made upon Oath or Affirmation by or on the Behalf of such Person, (which Oath or Affirmation such Justices of the Peace are hereby empowered and required to administer,) to issue their Summons to the Presidents, Wardens, Stewards, or other principal Officers of such Society, by whatever Name such principal Officers shall be respectively named or called, or one of them, in case such Complaint shall be made against such Society collectively; and in case such Complaint shall be made against any Person or Persons appointed to such Office or Offices, then to summon such Person or Persons to appear before such Justices at a convenient Time and Place, to be respectively named in such Summons; and also to summon at the same Time and Place, if there shall be Occasion, all such Persons as shall appear to such Justices to have the Custody of the Rules, Orders, and Regulations of such Society, and such Justices, at the Time and Place named in such Summons, whether the Person or Persons so summoned shall or shall not appear according to such Summons, nevertheless, on Proof upon Oath or Affirmation of such Summons being duly served, or left at his, her, or their usual Place or Places of Abode, shall proceed peremptorily to hear and determine, in a summary Way, the Matter of such Complaint according to the true Purport and Meaning of the Rules, Orders, and Regulations of such Society, confirmed by the Justices according to the Directions of this Act, and shall make such Order therein as to them shall seem just; and every such Order of such Justices shall be complied with, and shall be final to all Intents and Purposes, and shall not be subject to Appeal, or to be removed or removable into any of his Majesty's Courts of Record at *Westminster*.

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c. 54.

XVI. Provided always, and be it further enacted by the Authority aforesaid, That if Provision shall be made by one or more of the General Rules or Orders of any such Society, and confirmed as required by this Act, for a Reference by Arbitration of any Matter in Dispute between any such Society, or any Person or Persons acting under them, and any individual Members thereof, the Matter so in Dispute shall be referred to such Arbitrators as shall be named and elected in such Manner as shall be prescribed by such General Rules or Orders; and whatever Award, Order, or Determination shall be made by the said Arbitrators, or the major Part of them, according to the true Purport and Meaning of the Rules and Orders of such Society, confirmed by the Justices according to the Directions of this Act, shall be binding and conclusive on all Parties, and shall be final to all Intents and Purposes,

Where General Rules direct Disputes to be settled by Arbitration, the Award of the Arbitrators to be final.



No. 1. without Appeal, or being subject to the Controul of two  
 33 George III. or more Justices of the Peace in the Manner herein-before  
 c. 54. prescribed.

No Member  
 of a Society, pro-  
 ducing a Certi-  
 ficate thereof, to  
 be removeable  
 till actually  
 chargeable to a  
 Parish.

XVII. And be it further enacted by the Authority afore-  
 said, That no Member of any Society to be established in pur-  
 suance of this Act, who shall inhabit or reside in any Parish,  
 Township, or Place, not having a legal Settlement there, or  
 who shall come to inhabit or reside there, and shall deliver to  
 the Churchwardens or Overseers of the Poor of such Parish,  
 Township, or Place, or to any or either of them, a Certificate  
 under the Hands of the Stewards, Presidents, Wardens, or  
 Treasurers of such Society, or any two of them, for the Time  
 being, to be attested by one or more credible Witness or Wit-  
 nesses, thereby acknowledging the Person mentioned in such  
 Certificate to be a Member of such Society, shall, during the  
 Time such Person shall continue to be such Member thereof,  
 be removeable from any Parish, Township, or Place where  
 any such Certificate hath been delivered as aforesaid, to the  
 Place of his or her last legal Settlement, by virtue of any Law  
 now in being relative to the Settlement of the Poor, until such  
 Person shall become actually chargeable to such Parish, Town-  
 ship, or Place, or shall be forced to ask Relief for himself or  
 herself, or for his or her Family, or for some Part thereof, of  
 the Parish, Township, or Place to which such Certificate was  
 delivered as aforesaid, and that then, and not before, it shall  
 and may be lawful for such Person, together with his or her  
 Family, not having otherwise acquired a legal Settlement there,  
 to be removed and conveyed to the last legal Place of Settle-  
 ment of such Person as aforesaid, according to the Laws now  
 in being relating to the Settlement of the Poor.

How Certifi-  
 cates are to be  
 authenticated.

XVIII. Provided always, and be it further enacted, That  
 every such Certificate shall express the Place and Places of  
 abode respectively of the Persons signing and attesting the  
 same; and that one of the Witnesses attesting the same shall  
 make Oath before a Justice of the Peace of the County, Rid-  
 ding, Division, Shire, Liberty, Borough, Town Corporate, or  
 Place where such Society shall be established, (which Oath  
 such Justice of the Peace is hereby authorized and required to  
 administer,) that such Witness did see the Persons whose  
 Names are thereunto set, severally sign the said Certificate,  
 and that the Name or Names of such Witness or Witnesses, is  
 or are of his or their own proper Hand Writing, which said  
 Justice of the Peace shall also certify that such Oath was made  
 before him; and every such Certificate so made, and Oath of  
 the Execution thereof so certified by the said Justice of the  
 Peace, shall be taken, deemed, and allowed in all Courts  
 whatsoever as duly and fully proved, and shall be taken and  
 received as Evidence without other Proof thereof.

On Complaint  
 of Parish Offi-  
 cers, Justices  
 may summon

XIX. Provided always, and be it further enacted by the  
 Authority aforesaid, That it shall and may be lawful, upon  
 Complaint made by the Churchwardens and Overseers of the

Poor of any Parish, Township, or Place, where such Certificate shall be delivered, to any Justice or Justices of the Peace of the County, Riding, Division, or Shire, or of the City, Borough, Town Corporate, or Place where any such Person as aforesaid shall inhabit or reside, or come to inhabit or reside, under the Authority of this Act, for such Justice or Justices of the Peace to cause any such Person mentioned in such Certificate as aforesaid to be summoned before him or them, in the Division or Place where such Person shall so reside, or come to reside, in order to be examined, and to make Oath touching the Place of his or her last legal Settlement, (which Examination upon Oath the said Justice or Justices is and are hereby impowered and required to take,) and every such Person so summoned is hereby directed or required to obey such Summons, and to make Oath accordingly; and such Justice or Justices is and are hereby respectively required to give an attested Copy of such Examination, so taken before him or them, to the Person making the same, to be by him or her, or any Person on his or her Behalf, at any Time afterwards, produced before any such of his Majesty's Justices of the Peace as aforesaid, before whom such Person shall be again summoned to make Oath as aforesaid; and that in case any such Person shall be so again summoned, then, on the Production of such attested Copy as aforesaid, such Person shall not be compelled or required to take any other or further Oath with regard to any of the Matters contained in such Examination, but such Person shall, if required, permit a Copy thereof to be taken for such last mentioned Justice or Justices of the Peace.

XX. And be it further enacted by the Authority aforesaid, that it shall and may be lawful for any two or more of the Justices of the Peace as aforesaid, who shall have taken such Examination as aforesaid, or before whom such attested Copy of such Examination shall be produced, at the Request of such Churchwardens and Overseers of the Poor as aforesaid, by an Order in Writing under the Hand and Seal, or Hands and Seals of such Justices, to adjudge and declare the Place of the last legal Settlement of any such Person, having been so examined on Oath as aforesaid, or such of his or of her Family as shall reside in such Parish, Township, or Place under the Authority of this Act, without issuing any Warrant to remove such Person, or his or her Family as aforesaid, to such Place of his, her, or their last legal Settlement, and that a Duplicate of every such Order shall be transmitted to the General Quarter Sessions of the Peace to be holden next after the Expiration of twenty Days from the Time of making thereof, for the County, Riding, Division, or Shire, where such Person shall so reside, to be filed amongst the Records of the said Court; and that a Copy of every such Order, to be attested by one or more credible Witness or Witnesses, or a Duplicate thereof, together with an attested Copy of such Examination to be annexed to such Copy of such Order, or Duplicate thereof, shall be delivered to the Churchwardens and Overseers of the

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Persons bringing Certificates to be examined, and make Oath of their Settlement, &c.

Copies of Examinations to be given the Parties, which shall exempt them from future Examination.

Justices may declare by an Order in Writing, the Place of Settlement of Persons so examined, without issuing Warrant for Removal.

Copies of such Orders and of Examinations, to be returned to the Parish Officers of the Place of Settlement, &c.

No. 1. Poor of the Parish, Township, or Place, in which the Person  
 33 George III. mentioned in such Order shall be adjudged to be last legally  
 c. 54. settled as aforesaid, or to any or either of them, at least fifteen  
 Days before the first Day of holding such Sessions; and that  
 upon due Proof to be made on Oath of one or more credible  
 Witness or Witnesses before the Justices of the Peace at such  
 Sessions, of the Delivery of such Copy, or Duplicate, with  
 such Examination annexed thereto as aforesaid, it shall and  
 may be lawful for the said Justices of the Peace at such Ses-  
 sions, and they are hereby required, to direct every such Order  
 to be filed amongst the Records of the said Court; and that  
 every such Order so filed shall be final and conclusive in  
 ascertaining and determining the Place of the last legal Set-  
 tlement of the Person or Persons named in such Order, unless  
 the same shall be appealed against within the Time hereinafter  
 mentioned.

Persons ag-  
 grieved by  
 Adjudication of  
 Justices may  
 appeal to the  
 Quarter Ses-  
 sions.

XXI. Provided always, and be it further enacted by the  
 Authority aforesaid, That all Persons who shall think them-  
 selves aggrieved by any such Adjudication of the said Justices  
 may appeal to the General Quarter Sessions of the Peace to  
 be holden next after the Expiration of fifteen Days from the  
 Time of the Delivery of such Copy or Duplicate as aforesaid,  
 for the County, Riding, Division, or Shire where such Order  
 was made; and the Justices of the Peace at such Sessions shall  
 and may receive such Appeal, and proceed to hear and deter-  
 mine the Merits of such Appeal in like Manner, with the same  
 Effect, and under the like Rules, as if the Person or Persons  
 mentioned in such Order had been by Warrant of two Justices  
 actually removed to the Place where he, she, or they were  
 last legally settled, under and by virtue of any Law in being,  
 before and at the Time of the making of this Act, and may  
 award the like Costs on such Appeal as may be awarded on  
 Appeals from Orders of Removals of poor Persons by any  
 Statute or Statutes now in force, to be recovered in like Man-  
 ner as Costs awarded under the Authority of such Statute or  
 Statutes.

No Person who  
 shall reside in  
 any Parish un-  
 der this Act  
 shall thereby  
 acquire a Settle-  
 ment;

XXII. And be it further enacted by the Authority aforesaid,  
 That no Member of any such Society, who shall reside in any  
 Parish, Township, or Place under and by virtue of this Act,  
 shall have or be deemed to have acquired any Settlement in such  
 Parish, Township, or Place, by Delivery and Publication of  
 any Notice in Writing, unless the same shall be made after  
 such Person shall cease to be a Member of such Society, and  
 after the Revocation of his or her Certificate herein-before  
 mentioned.

nor for paying  
 Rates

XXIII. And be it further enacted, That no Member of any  
 such Society who shall reside as aforesaid, under the Authority  
 of this Act, and shall be taxed, rated, or assessed towards any  
 of the Rates, Taxes, or Levies of the Parish, Township, or  
 Place, where such Member shall reside, and shall duly pay the  
 same, shall be deemed or taken thereby to have any legal Set-  
 tlement in such Parish, Township, or Place; any Law to the  
 contrary in anywise notwithstanding.

XXIV. And be it further enacted by the Authority aforesaid, That no Person who shall be an Apprentice, bound by Indenture to, or shall be a hired Servant to or with any Person who did come into or shall reside in any Parish, Township, or Place, under the Authority of this Act, and not afterwards having gained a legal Settlement in such Parish, Township, or Place, shall gain or be adjudged to have any Settlement in such Parish, Township, or Place, by reason of such Apprenticeship or Binding, or by reason of such Hiring or Serving therein; but all such Apprentices and Servants shall have their Settlements in such Parish, Township, or Place, as if they had not been bound, or had not been hired to such Person as aforesaid; any Act or Acts of Parliament to the contrary notwithstanding.

No. 1.

33 George III.  
c. 54.nor any Appren-  
tice or Servant  
to such Persons.

XXV. And be it further enacted, That every Child which shall be born a Bastard in any Parish, Township, or Place, during the Mother's Residence therein, under the Authority of this Act, (1.) shall have and be deemed to have the same Settlement which the Mother has or is entitled unto at the Time of the Birth of such Child; any Law, Usage, or Custom to the contrary notwithstanding.

Bastards to  
have the Mo-  
ther's Settle-  
ment.

XXVI. And be it further enacted by the Authority aforesaid, That when any Overseer or Overseers of the Poor of any Parish, Township, or Place, shall have been put to any Charge in the maintaining any Person or Persons, or their Families, residing in such Parish, Township, or Place, under the Authority of this Act, or in removing any Person or Persons back to the Place to which he, she, or they shall belong, after he, she, or they shall have become actually chargeable, or asked Relief as aforesaid, such Overseers shall from Time to Time be reimbursed such reasonable Charges by the Overseers of the Poor of the Parish, Township, or Place, to which such Person or Persons shall belong, the said Charges being first ascertained and allowed of

Charges of  
maintaining or  
removing Resi-  
dents under this  
Act to be reim-  
bursed by the  
Parish to which  
the Parties be-  
long.

(1) This is the only Case in which this Part of the Act is at present endeavoured to be carried into Execution, with the View to prevent the Removal of single Women who are with Child; but as such Persons by 35 Geo. III. c. 101. are to be deemed actually chargeable, and as it was decided in *Rex. v. Great Yarmouth* 8 T. R. 68 that that Enactment extends to the Case of a Woman residing under a Certificate, and not merely to the general Provisions of the Statute 35th. Geo. III. against removing Persons not actually chargeable it seems to be, at least, very doubtful whether this or any of the other Sections of the present Act relating to Removals can be considered as in Force: for if not actually chargeable, the Party cannot now be removed; if actually chargeable, this Act contains no Authority to prevent the Removal. And as there is no Provision for making any Order of Maintenance of Children born under the Circumstances in Question, supposing the Place of Settlement to be different from that of the Birth, it would, perhaps, be expedient either to repeal these Clauses, or to declare by express Enactment that the Act shall be considered as in Force, and to provide for the Filiation of the Child, as if born in the Place where the Settlement is. The Impression of my own Mind being, that the Provision is virtually repealed. I have, in the Course of Magisterial Duty, acted accordingly; although very far from confident of the Correctness of the Judgment which I have formed. Ed.

No. 1. by one or more of His Majesty's Justices of the Peace  
 33 George III. residing near the Place where such Charges shall be in-  
 c. 54. curred; to be levied, in case of Refusal of Payment, by Dis-  
 tress and Sale of the Goods and Chattels of such Overseers of  
 the Poor as last aforesaid, by Warrant or Warrants, under the  
 Hand and Seal, or Hands and Seals, of such Justice or Justices,  
 returning the Overplus, if any there be; which Warrant or  
 Warrants he or they is and are hereby required to grant.

Publick Act.

XXVII. And be it further enacted by the Authority afore-  
 said, That this Act shall be deemed a Publick Act; and be  
 judicially taken Notice of as such, by all Judges, Justices, and  
 other Persons whomsoever, without the same being specially  
 pleaded.

## No. 2.

35 George III. c. 111.—An Act for more effectually  
 carrying into Execution an Act, made in the thirty-  
 third Year of the Reign of His present Majesty,  
 intituled, *An Act for the Encouragement and Relief*  
*of Friendly Societies*; and for extending so much of  
 the Powers thereof as relates to the framing Rules and  
 Regulations for the better Management of the Funds  
 of such Societies, and the Appointment of Treasurers  
 to other Institutions of a charitable Nature.—[26th.  
 June 1795.]

No. 2.  
 35 George III.  
 c. 111.  
 33 Geo. 3. c.  
 54. recited.

‘WHEREAS by an Act, passed in the thirty-third Year  
 of the Reign of his present Majesty, intituled,  
*An Act for the Encouragement and Relief of Friendly Societies*,  
 it was provided that no Society which had been established  
 before the passing of the said Act for the Purposes therein  
 mentioned, should be within the Intent and Meaning thereof,  
 unless all the Rules, Orders, or Regulations, under which  
 such Society should thereafter be governed, should be exhi-  
 bited, confirmed, and filed, at the General Quarter Sessions  
 of the Peace, holden for the County, Riding, Division, or  
 Shire, at some Time before or immediately next after the  
 Feast of *Saint Michael* one thousand seven hundred and  
 ninety-four: And whereas many such Societies may have in-  
 advertently omitted to take the Benefit of the said Act:’  
 May it therefore please your Majesty that it may be enacted;  
 and be it enacted by the King's most Excellent Majesty, by  
 and with the Advice and Consent of the Lords Spiritual and  
 Temporal, and Commons, in this present Parliament assem-  
 bled, and by the Authority of the same, That it shall be law-  
 ful for any such Society to exhibit the Rules, Orders, and  
 Regulations, made for its Government, at any General  
 Quarter Sessions of the Peace, or at any Adjournment thereof,  
 to be holden in and for the County, Riding, Division, or Shire,  
 where such Society hath been established, at any Time before

Societies esta-  
 blished before  
 passing recited  
 Act may exhibit  
 their Rules for  
 Confirmation  
 at any Quarter  
 Sessions before  
 or immediately  
 after Michael-  
 mas 1795.

or immediately after the *Michaelmas* Session in one thousand seven hundred and ninety-six; and that such Rules, Orders, 35 No 2  
and Regulations, being confirmed in the Manner in the said George III  
recited Act directed, may be filed at such Sessions, and shall c. 111  
be valid and as effectual as if the same had been exhibited, confirmed, and filed, within the Time in the said recited Act limited.

II. ' And whereas several benevolent and charitable ' Institutions and Societies are formed in this Kingdom, for ' the Purpose of relieving, by voluntary Subscriptions and ' Benefactions, Widows, Orphans, and Families, of the Cler- ' gy, and others in distressed Circumstances: And whereas, ' such Institutions have, or may have Funds, which they may ' wish to place out on Public Securities, under the Manage- ' ment of a Treasurer: And whereas, in order to give Stabi- ' lity to such Institutions, it is necessary that their Property ' should be secured under the Authority of Parliament: ' Be it therefore enacted, That it shall be lawful for the Governors, Di- ' rectors, Managers, or Members, of any Institution, for the Pur- ' pose of relieving the Widows, Orphans, and Families, of the ' Clergy, and others in distressed Circumstances, to frame good ' and wholesome Rules, for the Management and Distribution ' of their Funds, and the same from Time to Time to amend ' and alter, or to make New Rules, as Occasion shall require, ' and to procure the same to be presented to the Justices of the ' Peace for their Confirmation within the time hereinafore ' limited, and to be registered, under and subject to the same ' Conditions, Methods, Restrictions, and Regulations, as the ' Members of Societies, to be established by virtue of the said ' recited Act, are directed to make, alter, amend, or renew ' and register, their Rules.

III. And be it further enacted, That the Governors, ' Directors, Managers, or Members, of any such Institution, ' whose Rules shall be confirmed and registered according to ' the Directions of the said recited Act, shall and may appoint ' a Treasurer, who shall give such Security as is directed by the ' said recited Act; and that such Treasurer so appointed shall ' be subject to account for the Funds belonging to such Institu- ' tion, and the same shall be vested in such Treasurer, and ' such Treasurer shall sue and be sued in such Manner as is ' directed by the said recited Act; and that all Powers, Autho- ' rities, Rules, Methods, Directions, Regulations, Provisions, ' Conditions, and Restrictions, in the said Act contained, so ' far as the same relate to the Appointment of Treasurers, or ' to the taking Security from such Treasurer, and for protecting, ' securing, or recovering, the Funds vested in such Treasurer, ' shall be extended to all and every the Institutions established ' for the Purposes herein-before mentioned, by virtue of this ' Act, or any of them; and all such Institutions shall have and ' enjoy, and be entitled unto the Benefit of this Act, with ' Relation to the several Matters before mentioned, as fully and ' effectually as any Society established by virtue of the said ' recited Act can or may have or enjoy the same; and all the

Governor  
Institutions  
Rec'd of  
" "  
" them  
Confirmat  
St  
brish'd by  
of recited Act

Institution  
whose Rules  
shall be con-  
firmed may  
point Treasu-  
ret, &c. and  
entitled to the  
Benefit of the  
Act

- No. 2. Powers, Authorities, Rules, Methods, Directions, Regula-  
 35 George III. tions, Provisions, Conditions, and Restrictions, in the said  
 c. 111. Act contained, in Relation to the several Matters before men-  
 tioned, shall be applied and put in Execution with respect to  
 the several Institutions established by virtue of this Act, as  
 fully and effectually as if the same had been particularly  
 repeated and re-enacted in this Act.

## No. 3.

43 Geo. III. c. 111.—An Act for enabling Friendly Soci-  
 eties, intended to be established under an Act passed  
 in the thirty-third Year of the Reign of his present  
 Majesty, to rectify Mistakes made in the Registry of  
 their Rules.—[27th July 1803.]

- No. 3.  
 43 George III. c. 111. **W**HEREAS by an Act passed in the thirty-third Year of  
 the Reign of his present Majesty, intituled, "*An  
 Act for the Encouragement and Relief of Friendly Societies;*"  
 it was enacted, that the Rules, Orders, and Regulations  
 made or to be made for the Government of the said Societies,  
 in order to entitle the said Societies to the Benefit of the said  
 Act, should be first exhibited in Writing to the Justices of the  
 Peace, assembled at the General Quarter Sessions of the  
 Peace, or at some Adjournment thereof, in and for the  
 same County, Riding, Division, or Shire where such Society  
 should be established, and should be subject to the Examina-  
 tion, Review, Allowance, and Confirmation of such Justices :  
 And whereas several Societies established in Towns and Places  
 having peculiar Jurisdiction have inadvertently exhibited  
 their Rules, Orders, and Regulations to the Justices assem-  
 bled at the General or Quarter Sessions, having peculiar  
 Jurisdiction for such Towns and Places respectively, and not  
 for the County, Riding, Division, or Shire at large, whereby  
 they are or may be deprived of the Benefit of the said Act :  
 May it therefore please your Majesty that it may be enacted :  
 and be it enacted by the King's most excellent Majesty, by  
 and with the Advice and Consent of the Lords Spiritual and  
 Temporal, and Commons, in this present Parliament assem-  
 bled, and by the Authority of the same, That it shall be law-  
 ful for any such Society, who shall have exhibited the Rules,  
 Orders, and Regulations made for Government thereof, at any  
 General or Quarter Sessions having peculiar Jurisdiction for  
 the Town or Place where such Society is established, and not  
 to the Sessions for the County, Riding, Division, or Shire at  
 large, to exhibit the Rules, Orders, and Regulations of such  
 Society to the Justices assembled at any General Quarter Ses-  
 sions or any Adjournment thereof, to be holden for the County,  
 Riding, Division, or Shire where such Society is established,  
 such Rules, Orders, and Regulations, bearing the Certificate  
 of the Town Clerk or other proper Officer, of the Time when  
 such Rules, Orders, and Regulations were respectively first

Any Society  
 having exhibit-  
 ed their Regu-  
 lations at any  
 Quarter Sessions  
 for a peculiar Ju-  
 risdiction, may  
 exhibit them to  
 the Quarter Ses-  
 sions for the  
 County, with a  
 Certificate or  
 Affidavit of such  
 first Exhibition,  
 and such Regu-  
 lations being  
 confirmed, shall  
 then be valid  
 from the Begin-  
 ning.

exhibited as aforesaid; or to exhibit in like Manner a Duplicate or a true Copy of such Rules, Orders, and Regulations, with an Affidavit annexed, to be taken before any one Justice of the Peace of the County, Riding, Division, or Shire where such Society is established, which such Justice is hereby authorized to take, of the Time when such Rules, Orders, and Regulations were respectively first exhibited as aforesaid, subject to the like Examination, Review, Allowance, and Confirmation of the Justices assembled at such last-mentioned General Quarter Sessions or Adjournment thereof, as is directed by the said recited Act; and such Rules, Orders, and Regulations being confirmed by the Justices at such last-mentioned General or Quarter Sessions, or any Adjournment thereof, in Manner directed by the said recited Act, may be filed at such Sessions, and shall be as valid and effectual from the Time the same were first exhibited at the Sessions having such peculiar Jurisdiction as aforesaid, as if the same had been originally exhibited and filed at the Sessions holden for the said County, Riding, Division, or Shire.

No. 3.  
George III.  
c. 111.

## No. 4.

49 Geo. III. c. 125.—An Act to amend an Act made in the thirty-third Year of his present Majesty, for the Encouragement and Relief of Friendly Societies.—  
[20th June 1809.]

‘WHEREAS great Advantage has been derived as well to the Publick as to Individuals, by the Establishment of Friendly Societies, under the Authority of an Act of the thirty-third Year of the Reign of his present Majesty, intituled, *An Act for the Encouragement and Relief of Friendly Societies*, And whereas it is expedient to make further Provision for the Attainment of the good Purposes intended thereby; Be it therefore enacted, by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person having been admitted a Member of any Society established under the Authority of the said Act, shall offend against any of the Rules, Orders, or Regulations of such Society, it shall be lawful for any two Justices of the Peace residing within the County, Riding, Division, Shire, Stewartry, City, Liberty, or Place within which such Society shall be held, upon Complaint made on Oath by any Member of such Society, to issue their Summons to such Person against whom such Complaint shall be made, and upon his or her Appearance, or, in default thereof upon due Proof upon Oath of the Service of such Summons, such Justices shall proceed to hear and determine the said Complaint according to the Rules, Orders, and Regulations of the said Society confirmed

No. 4.  
George III.  
c. 125.

Two Justices, on Complaint, may enforce the Observance of any Rules, and levy any Arrears by Distress and Sale.



No. 4. as directed by the said Act, and shall make such Order  
 49 George III. therein as to them shall seem just; and in case the said Justice  
 c. 125. shall adjudge any Sum of Money to be paid by such Person  
 against whom such Complaint shall be made, and such Person  
 shall not on Notice of such Order forthwith pay the Sum of  
 Money so adjudged to the Person or Persons, and in the  
 Manner directed by this Act, it shall be lawful for such Justices,  
 and they are hereby required by Warrant under their Hands  
 and Seals, to cause the same to be levied by Distress and Sale  
 of the Goods of such Person on whom such Order shall have  
 been made, together with such Costs as shall be awarded by  
 the said Justices, and also the Costs and Charges attending  
 such Distress and Sale, returning the Overplus (if any) to the  
 Owner.

II. ' And whereas it was provided by the said Act of the  
 ' thirty-third Year of the Reign of his present Majesty, that  
 ' no Society to be established for the Purposes therein recited,  
 ' should be deemed and taken to be within the Meaning of the  
 ' same Act, unless the Rules of the Society should be filed at  
 ' the Quarter Sessions of the Peace, before the End of the Year  
 ' one thousand seven hundred and ninety-four, which Time  
 ' was enlarged by an Act of the thirty-fifth Year of his present  
 ' Majesty's Reign, to *Michaelmas* one thousand seven hundred  
 ' and ninety-six; And whereas it is expedient that all Societies  
 ' which were established under the Authority of the first-recited  
 ' Act, for the laudable Purposes thereby intended, previously  
 ' to the same having been passed, should be allowed to file  
 ' their Rules, notwithstanding their having omitted to do so  
 ' within the Times limited; Be it therefore enacted, that all  
 ' such Societies, the Rules, Orders, and Regulations of which  
 ' shall have been exhibited to the Justices of the Peace since  
 ' *Michaelmas* one thousand seven hundred and ninety-six, or  
 ' which shall at any Time hereafter be exhibited in the Manner  
 ' directed by the said recited Act of the thirty-third Year of his  
 ' present Majesty, and which shall have been or shall be dealt  
 ' with, examined, approved of, and confirmed by the Justices  
 ' in the Manner therein directed, and have been or shall be  
 ' deposited with the Clerk of the Peace and filed as directed  
 ' also by the said Act, shall be deemed and taken to be within  
 ' the Intent and Meaning of the said Act, as amply and for all  
 ' Purposes as if their Rules had been established within the  
 ' Periods limited in either of the recited Acts.

III. And be it further enacted, That if Complaint shall  
 be made to two such Justices of the Peace by any Member of  
 such Societies, of Relief having been refused to him by any  
 such Society, to which he shall be lawfully entitled according  
 to the Rules of the Society to which he shall belong, it shall  
 be lawful for the said two Justices of the Peace residing within  
 the County, Riding, Division, Shire, Stewartry, City, Liber-  
 ty, or Place within which such Society shall be held, and such  
 Justices are hereby required, upon Complaint made by or  
 on the Behalf of the Person aggrieved thereby, to summon

Benefits of re-  
 cited Act 33 G.  
 3. extended to  
 all Societies  
 complying with  
 this Act.

Two Justices  
 may order Re-  
 lief under said  
 Act, and shall  
 specify the Time  
 and Manner of  
 Payment.

the Person, being an Officer of the Society against whom such Complaint shall be made, and upon his or her Appearance, or in default thereof, upon due Proof upon Oath of the Service of such Summons, such Justices shall proceed to hear and determine the said Complaint, and award such Sum of Money to be forthwith paid to the said Complainant as shall appear to such Justices to be due on such Award as aforesaid, together with such a Sum for Costs, not exceeding the Sum of ten Shillings, as to such Justices shall seem meet; and if the said Sums so to be awarded, together with such Costs, shall not be forthwith and in the Presence of such Justice or Justices paid to such Complainant, or to some Person or Persons there attending on the Behalf of such Complainant, then such Justices shall by Warrant under their Hands and Seals, cause such Sum and Costs as aforesaid to be levied by Distress, or by Distress and Sale of the Monies, Goods, Chattels, Securities, and Effects belonging to the said Society, together with all further Costs and Charges attending such Distress, or such Distress and Sale, returning the Overplus (if any) to the said Society, or to one of the Treasurers or Trustees thereof, and in default of such Distress being found, then to be levied by Distress and Sale of the proper Goods of the Officer or Officers of the said Society so neglecting or refusing as aforesaid, together with such further Costs and Charges as aforesaid, returning the Overplus (if any) to the Owner, and so from Time to Time as often as Complaint shall be made of the Non-payment of any Sum or Sums directed by such Order to be paid as aforesaid, such Justices shall by like Warrant cause such Arrears from Time to Time be levied in the Manner before directed: Provided always, that whatever Sums shall be paid by any such Officer or Officers, or levied on his or their proper Goods in pursuance of the Order of any Justice as aforesaid, shall be repaid, with all Damages accruing to him or them, by and out of the Monies belonging to such Society, or out of the first Monies which shall thereafter be received by such Society.

IV. And be it further enacted, That all Orders made by Justices of the Peace by virtue of the said Act or this Act, upon the Complaint of any Person having been admitted a Member of any Society established under the said Act, who shall be aggrieved by any Act, Matter or Thing done or omitted to be done by any such Society, shall be made upon the Presidents, Wardens, Stewards, Treasurers, Trustees, or other principal Officers of the Society to which such Complaint shall relate, or any one or more of them, or any of them, at the Discretion of the said Justices, in the proper Name or Names of such Officer or Officers; and every such Order may be served upon the Officer or Officers so named therein, either by delivering a Copy of the said Order to such Officer or Officers, or one of them, or leaving the same at his last or usual Place of Abode; and such Service shall be binding on such Officer or Officers, and on the Society to

No. 4.  
George III,  
c. 125.

Orders of Justices shall be made on Officers of Societies by Name, and served on them.

**No. 4.** which such Officer or Officers shall belong, to do and perform,  
**49 George III.** or cause to be done or performed, all and every the Matters  
**c. 125.** and Things contained in and directed by such Order to be  
done according to the true Intent and Meaning thereof.

**All such Or-** **V.** And be it further enacted, That every Order, Adju-  
**ders shall be** dication, or Award of any Justice or Justices under this Act,  
**final.** shall be final and conclusive to all Intents and Purposes, and  
shall not be removed or removeable into any Court of Law,  
or restrained or restrainable by the Injunction of any Court of  
Equity.

## PART VI. CLASS XIX.

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### GAME.\*

\* In the following Series of the Statutes relating to Game, I have availed myself of the Assistance of Mr Chitty's Treatise on that Subject. The Statutes of which the Contents are given seem to include all those of a general Nature, which are referable to the existing Practice of the Law, with the Exception of those relating to Game Certificates; and which, in Conformity with the general Principle of the Work, as not comprising Matters of Revenue, I have thought it requisite to exclude. But several of the more ancient Statutes, of which the Titles only are here inserted, are still in Force, although they have fallen into Disuse.

#### No. 1.—CHARTA FORESTÆ.

made A. D. 1215, and confirmed by 9 Hen. III.  
28 Edw. I. and 52 Hen. III. c. 5.

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#### No. 2.

Stat. Merton, 20 Hen. III. c. 11. A. D. 1235.

[Lords shall not imprison Offenders at their own Wills, for Trespasses in their Parks and Ponds.]

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#### No. 3.

Stat. Westm. 1. 3 Edw. I. c. 20. A. D. 1275.

[The Punishment for Offences committed in Parks and Ponds]

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#### No. 4.

Stat. de Malefactoribus in Parcīs, Anno 21 Edw. I  
Stat. 2. A. D. 1293

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#### No. 5.

Ordinatio Forestæ, made 33 Edw. I. Stat. 5. Anno  
Dom. 1305.

## No. 6.

**Ordinatio Forestæ, made Anno 34 Edw. I. Stat. 5  
Anno Dom. 1306.**

## No. 7.

**1 Edw. III. Stat. 1. c. 8. A. D. 1327.**

[How he shall be used that is taken for any Offence in the Forest Stat. 3 Ed. I. 20 St. 2 H. 3, at 2 c. 10, 11, & 16 — A Remedy for the Prisoner if the Warden of the Forest will not bail him. St. 7 R. 2 c. 4 Regist. p. 80 Carth. 78.]

## No. 8.

**1 Edw. III. Stat. 2. c. 1. Anno. Dom. 1327.**

[A Confirmation of Charters, Perambulation of Forests. Charters, hereof 16 Cal. J. c. 15.—Using of Woods within the Forest—The Temporalities of Bishops.]

## No. 9.

**34 Edw. III. Anno. Dom. 1360.**

[In what Sort one Man's Hawk taken up by another shall be used — Stealing a Hawk. Enforced by 37 Edw. 3. c. 19. which makes the Offence Felony.]

## No. 10.

**37 Edw. 3. c. 19. Anno Dom. 1363.**

[How each Person shall use a Hawk of another Man's that he taketh up — The concealing or embezzling of a Hawk is Felony.]

## No. 11.

**7 Richard II. Anno. Dom. 1383.**

[General Protection of Juries relating to Forests — None shall be taken or imprisoned by the Officers of the Forest without Indictment &c. Regist. p. 80. 9 Hen. 3 St. 2. c. 10, 11, & 16 1 Edw. 3 St. 1 c. 8.]

## No. 12.

**13 Richard II. c. 13. A. D. 1389.—None shall hunt but they which have a sufficient Living.**

## No. 13.

**Hen. VII. c. 7. A. D. 1485.—An Act shewing the Penalty for hunting in the Night, or with Disguising.**

## No 14.

11 Hen. VII. c. 17. A. D. 1494.—The Forfeiture for taking of Fesants or Partridges, or the Eggs of Hawks or Swans.

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## No. 15.

19 Hen. VII. c. 11. Anno Dom. 1503.—For Deerhayes and Buckstalls.

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## No. 16.

14 and 15 Hen. VIII. c. 10. A. D. 1523.—The Penalty for unlawfully hunting the Hare.

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## No. 17.

25 Hen. VIII. c. 11. A. D. 1533.—To avoid destroying of Wild-fowl.

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## No. 18.

5 Eliz. c. 21. A. D. 1562.—An Act for punishing of unlawful taking of Fish, Deer, or Hawks.

[I. How Persons for unlawful fishing, hunting in a Park, and taking of Hawks or Hawks' Eggs out of another's Ground, shall be punished.]

[III. The Penalty for breaking of a Park, and hunting of Deer. 3 Jac. I. c. 13. Co. pl. 361.—The Penalty for taking of Hawks or Hawks' Eggs out of another's Ground.]

[IV. A Park inclosed without Licence of the Queen, &c.]

The other Sections are inserted ante, Title *1st*.

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## No. 19.

23 Eliz. c. 10. A. D. 1581.—An Act for the Preservation of Pheasants and Partridges.

## No. 20.

2 James I. c. 27. A. D. 1604. — An Act for the better Execution of the Intent and Meaning of former Statutes made against shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hare-pipes, and tracing Hares in the Snow.

No. 20.

2 James I.

c. 27.

Penalties for  
destroying of  
Pheasants, Par-  
tridges, Pigeons,  
Hares.

**F**ORASMUCH as there be divers good and necessary Laws and Statutes which do inflict and impose divers great and heavy Penalties, Punishments, and Forfeitures upon such as should with any Guns, Nets, Cross-bows, or other Instruments or Engines, spoil or destroy the Game of Pheasants, Partridges, Hearn, Mallard, and such like, and upon such as kill or destroy Hares with Hare-pipes, Cords, or other Engines, or should kill any Hare by tracing and coursing them with Dogs in the Snow: And nevertheless of late Years, the several Games above-mentioned have been more excessively and outrageously spoiled and destroyed, than hath been in former Ages, especially by the vulgar Sort, and Men of small Worth, making a Trade and a Living of the spoiling and destroying of the said Games, who are not of Sufficiency to pay the said Penalties in the said Statutes mentioned, nor to answer the Costs and Charges of any that should inform and prosecute against them in any of his said Majesty's Courts of Record at Westminster, upon any of the said Penal Laws and Statutes; by reason whereof few Suits have been attempted upon the said Laws, and for the said Forfeitures, whereby the Good thereby meant and hoped hath not succeeded, and thereby great Scarcity of the said Games in all, or in the most Parts of this Realm, hath followed, and presently is, and so is like to be, if some Remedy be not in that Behalf provided.

Burn, v. r.  
485 and 490.

II. Be it therefore enacted by the Authority of this present Parliament, That all and every Person and Persons, which from and after the first Day of August next following, shall shoot at, kill, or destroy, with any Gun, Cross-bow, Stone-bow, or Long-bow, any Pheasant, Partridge, House-dove or Pigeon, Hearn, Mallard, Duck, Teal, Widgeon, Grouse, Heath-cock, Moregame, or any such Fowl, or any Hare; or after the said first Day of August, shall take, kill, or destroy any Pheasant, Partridge, House-dove, or Pigeon, with Setting-dogs and Nets, or with any Manner of Nets, Snares, Engines, or Instruments, whatsoever; or shall take the Eggs of any Pheasant, Partridge, or Swans, out of the Nests, or willingly break, spoil, or destroy the same in the Nests: or after the said first Day of August shall trace or course any Hares in the Snow, or at any Time take or destroy any Hares with any Hare-pipes, Cords, or with any such Instruments or other Engines: and the same Offence or Offences being proved, by the Confession of the Party, or by the Testimony of two sufficient Witnesses

upon Oath before two or more Justices of Peace of the same County, City, or Town Corporate, wherein the Offence shall be committed, or the Party offending apprehended, shall be by the said Justices of Peace, for every such Offence committed to the Common Gaol of the said County, City, or Town Corporate, where the Offence shall be committed or the Parties apprehended, there to remain for three Months without Bail or Mainprize, unless that the said Offender do or shall forthwith upon the said Conviction, pay or cause to be paid, to the Churchwardens of the said Parish where the said Offence shall be committed, or the Party apprehended, to the Use of the Poor of the said Parish, the Sum of twenty Shillings for every Pheasant, Partridge, House-dove, Pigeon, Hearn, Mallard, Duck, Teal, Widgeon, Grouse, Heath-cock, Moregame, or any such Fowl; and for every Egg of Pheasant, Partridge, or Swan, and for every Hare, which any and every such Person and Persons so offending and convicted as aforesaid, shall take, kill, or willingly destroy, contrary to the true Purport and true Meaning of this Statute; or after one Month after his Commitment, together with two sufficient Sureties, become bound by Recognizance in the Sum of twenty Pounds a-piece to the King's Majesty's Use, his Heirs and Successors, with Condition that he the said Party so offending shall not at any Time hereafter shoot at, kill, take, or destroy any of the said Games before-mentioned, by any of the Means aforesaid: which said Recognizances shall be taken by any two or more Justices of Peace of the said County, City, or Town Corporate, where the Offender shall be so imprisoned as aforesaid, and shall be returned to the then next Quarter Session, and there to remain of Record, as other Recognizances taken for the Peace.

III. And for the better Preservation of Deer, Hares, and other the Games aforesaid, be it further enacted by the Authority aforesaid, That all and every Person and Persons which, from or after the said first Day of August, shall have or keep any Greyhound for coursing of Deer or Hare, or Setting-dog or Dogs, or Net or Nets, to take Pheasants or Partridges, except such Person or Persons which shall be seised in their own Right, or in the Right of their Wives, of Lands, Tenements, or Hereditaments, of the clear yearly Value of Ten Pounds by the Year or more, over and above all Charges and Reprises, of some Estate of Inheritance; or of Lands, Tenements, or Hereditaments, in his own Right or in Right of his Wife, for Term of Life or Lives, of the yearly Value of thirty Pounds, over and above all Charges and Reprises; or be possessed of Goods or Chattels to the full Value of two hundred Pounds to his own Use; or be the Son or Sons of any Knight, or of any Baron of Parliament, or of some Person of higher Degree, or the Son and Heir-apparent of any Esquire; and being thereof convicted as aforesaid, shall, by the said Justices of the Peace, be committed and imprisoned in Manner and Form as in and by this present Act before is expressed, specified, and declared:

No. 20.

a James I.

c. 27.

One Witness  
sufficient. 7 Jac.  
1. c. 11. s. 8.The Penalty  
for keeping a  
Greyhound, a  
Setting-dog, a  
with Nets to  
take Pheasants  
&c.



No. 20.  
2 James I.  
c. 27.

except such Person and Persons so offending and thereof convicted as aforesaid, do forthwith pay or cause to be paid to the Churchwardens of the said Parish where the said Offence shall be committed, or the Party apprehended, to the Use of the Poor of the said Parish, the Sum of forty Shillings of good and lawful Money of England.

The Penalty  
for selling or  
buying to sell  
again Deer,  
Hare, Partridge  
or Pheasant.

IV. And be it further enacted by the Authority aforesaid, That every Person and Persons which at any Time after the said first Day of August shall sell or buy to sell again, any Deer, Hare, Partridge or Pheasant, (except Partridge and Pheasants reared and brought up in House or Houses, or brought from beyond the Seas) shall forfeit for every Deer so bought and sold, forty Shillings; for every Hare ten Shillings; and for every Partridge ten Shillings; and for every Pheasant so to be bought and sold twenty Shillings: Of all which Forfeitures the one Moiety shall be to him or them that will sue for the same by Bill, Indictment or Information, and the other Moiety to the Poor of the Parish where the said Offence or Offences shall be committed.

No Punish-  
ment by any  
former Law  
where it is in-  
flicted by this.

V. And be it further enacted by the Authority aforesaid, That no Person or Persons shall or may after the said first Day of August be punished by Force of any former Statute or Law, for any of the said Offences for which by force of this Law any Punishment shall be inflicted: And that all Justices of Assize in their several Circuits, and all Justices of the Peace in their General Quarter-Sessions, and any two Justices of Peace or more together out of any Sessions, shall and may by force of this present Act have full Power and Authority to examine, hear, punish and determine all Offences to be committed against this present Statute, and to administer Oaths as aforesaid, and perform and execute all and every Act and Thing fit or requisite for the due Execution of this present Act.

Which Offi-  
cers may hear  
and determine  
these Offences.

Who may  
take Pheasants  
and Partridges  
with Nets, and  
when.

Repealed by  
7 Jac. I. c. 11.  
sect. 6.

VI. Provided always, That it shall and may be lawful for every Person or Persons which have or shall have free Warren, and to and for every Lord of a Manor, and to every Freeholder which is or shall be seised in his own Right or in the Right of his Wife, of Lands, Tenements or Hereditaments to the clear yearly Value of ten Pounds or more by the Year, over and above all Charges or Reprises, of some Estate of Inheritance; or of Lands, Tenements or Hereditaments in his own Right or in the Right of his Wife, for Term of Life or Lives, of the yearly Value of thirty Pounds over and above all Charges and Reprises; or be or which shall be worth in Goods or Chattels two hundred Pounds: by him or themselves, or by his or their menial Servants (sufficiently authorised from his or their Master for that Purpose) to take Pheasants and Partridges in the Day-time only with Nets, in and upon his and their own or his and their Masters free Warren, Manor and Freehold or on any Part of them, betwixt the Feast of St. Michael the Archangel and the Feast of the Birth of our Lord God yearly; any Thing in this Law to the contrary notwithstanding.

VII. And be it also further enacted by the Authority aforesaid, That it shall and may be lawful to and for every Person and Persons keeping any Hawk or Hawks, which at the General-Quarter Sessions of the County (where he and they shall dwell) shall be licensed, to shoot Hail-shot in Hand-guns or Birding-pieces, at Crow, Chough, Pye, Rook, Ring-dove, Jay or smaller Birds, for Hawks-meat only, to shoot and kill Hawks-meat, according to the said Licence only: so that such Party so to be licensed do at the same Quarter-Sessions wherein he shall be licensed, become bound to the King's Majesty by Recognizance in twenty Pounds not to shoot at any the Fowl or Game at which shooting is prohibited by this Law; and so that he or they shall not shoot in any Hand-gun or other Gun, within six hundred Paces of any Hernery, nor within one hundred Paces of any Pigeon-house, nor in any Park, Forest or Chase, whereof the Party so licensed or his Master, is or shall not be the Owner, Keeper, or Governor: for which Licence and Recognizance the Clerk of the Peace is to take only twelve Pence and no more. This Law to continue to the End of the first Session of the next Parliament.—[3 Car. I. c. 4. Continued until the End of the first Session of the next Parliament, and farther continued by 16 Car. I. c. 4.]

No. 20.  
2 James I.  
c. 27.

Licence to  
shoot in a Gun  
for Hawks-  
meat.

Continuance  
of this Statute.

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No. 21.

James I. c. 13. A. D. 1605.—An Act against unlawful hunting, stealing of Deer and Conies.

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No. 22.

7 James I. c. 11. A. D. 1609.—An Act to prevent the Spoil of Corn and Grain, by untimely Hawking, and for the better Preservation of Pheasants and Partridges.

**W**HEREAS in the first Session of this present Parliament there was a good Law made, amongst other Things, for the Preservation of the Game of Pheasants and Partridges, which hath not yielded that good Success as was by the same Law hoped for and intended, through disorderly and unseasonable Hawking, whereby great Quantity of Corn and Grain hath been and is not only uncharitably spoiled and destroyed, but great Numbers of Pheasants and Partridges thereby killed and spoiled, before they be either fit to be hawked at, or to be used for Food or Diet.

No. 22.  
7 James I.  
c. 11.

The Penalty  
for killing of  
Pheasants or  
Partridges at  
undue Times,  
or by undue  
Means.

1 Jac. I. c. 2<sup>a</sup>  
Burz. v. 1.  
490.

II. For the preventing of both which Inconveniences and Mischiefs, Be it enacted by the Authority of this present Parliament, that all and every Person or Persons whatsoever,

No. 22.  
7 James I.  
c. 11.

which at any Time after the End of this present Session of Parliament, doth or shall hawk at, destroy, or kill any Pheasant or Pheasants, Partridge or Partridges, with any Kind of Hawk or Hawks, Dog or Dogs, by colour of Hawking, between the first of July and the last Day of August, and the same Offence or Offences being proved by the Confession of the Party, or by the Testimony of two sufficient Witnesses upon Oath, before two or more Justices of the Peace of the said County, City, or Town-Corporate wherein the Offence shall be committed, or the Party offending apprehended, shall be by the said Justices of the Peace, for every such Offence, committed to the Common Gaol of the said County, City, or Town Corporate, where the Offence shall be committed or the Parties apprehended; there to remain for one whole Month without Bail or Mainprise, unless that the said Offender do or shall forthwith upon the said Conviction pay, or cause to be paid, to the Churchwardens of the said Parish, or unto the Overseers of the Poor, or some of them, where the said Offence shall be committed, or the Party apprehended, to the use of the Poor of the same Parish, the Sum of forty Shillings for every such hawking at any Pheasant or Partridge, and twenty Shillings for every such Pheasant or Partridge which any and every such Person and Persons so offending and convicted (as aforesaid) by himself, his Hawk or Hawks, Dog or Dogs, shall take, kill, or destroy, contrary to the true Purport, Intent, and Meaning of this present Statute.

He that is punished by this Law shall be excused for any other.

III. *Provided* always, and be it enacted by the Authority aforesaid, That if any Person or Persons shall be at any Time hereafter convicted and punished by virtue of this Law, that then the Party so punished shall not for the same Offence be afterwards called in Question, and punished by virtue of any other Law touching or concerning the like Offences.

Within what Time an Offender shall be accused.

IV. *Provided* also, That no Offenders shall be impeached or punished by virtue of this Act, unless he or they be accused as delinquent, before the said Justices of Peace, within six Months next after the said Offence or Offences committed or done.

V. \* And whereas by a Proviso in the said Statute contained, it is provided, That it shall and may be lawful to and for every Person and Persons which have or shall have Free Warren, and to and for every Lord of a Manor, and to every Freeholder which is or shall be seised in his own Right, or in the Right of his Wife, of Lands, Tenements, or Hereditaments, to the clear yearly Value of ten Pounds or more by the Year, over and above all Charges and Reprises, of some Estate of Inheritance; or of Lands, Tenements, or Hereditaments, in his own Right, or in the Right of his Wife, for Term of Life or Lives, of the yearly Value of thirty Pounds, over and above all Charges and Reprises; or be or which shall be worth in Goods or Chattels two hundred Pounds; by him or themselves, or by his or their menial Servants (sufficiently authorized from his or their Master for that Purpose)

‘ to take Pheasants and Partridges (in the Day-time only) with  
 ‘ Nets, in and upon his and their own, or his or their Master’s  
 ‘ Free Warren, Manor, and Freehold, or on any Part of them,  
 ‘ betwixt the Feast of St. Michael the Archangel, and the Feast  
 ‘ of the Birth of our Lord God yearly; any Thing in the said  
 ‘ Law to the contrary notwithstanding: by colour of which  
 ‘ Liberty so given by the said Proviso, it is found by Experi-  
 ‘ ence, that the said Games of Pheasants and Partridges have  
 ‘ been and still are likely to be much spoiled and destroyed by  
 ‘ many mean Tenants and Freeholders, against the Will of the  
 ‘ Lords or Owners of Inheritance of the said Lands and Tene-  
 ‘ ments.’

No. 22.  
 7 James I.  
 c. 11.

VI. Be it therefore enacted by the Authority aforesaid, That the said Proviso, and every Clause, Article and Thing therein contained, shall be from the End of this present Session of Parliament, utterly repealed, frustrate and made void; any Thing in the said Proviso contained to the contrary notwithstanding.

A Repeal of a  
 Branch of the  
 Statute of 1 Jac.  
 1. c. 27.

VII. And that it shall and may be lawful for every Person or Persons which have or shall have free Warren, and to and for every Lord of a Manor, and to and for every Freeholder which is or shall be seised in his own Right, or in the Right of his Wife, of Lands, Tenements and Hereditaments, to the clear Yearly Value of forty Pounds or more, by the Year, over and above all Charges and Reprises, of some Estate of Inheritance; or of Lands, Tenements and Hereditaments in his own Right, or in the Right of his Wife, for Term of Life or Lives, of the yearly Value of fourscore Pounds over and above all Charges and Reprises; or which shall be worth in Goods or Chattels four hundred Pounds; by him or themselves, or by his or their menial and household Servants (sufficiently authorized from his or their Master for that Purpose) to take Pheasants and Partridges (in the Day-time only) in and upon his and their own, or his and their Master’s free Warren, Manor and Freehold as aforesaid, or on any Part of them, betwixt the Feast of St. Michael the Archangel and the Birth of our Lord God yearly; any Thing in the said Law before mentioned to the contrary notwithstanding.

Who may  
 take Pheasants  
 and Partridges,  
 where and  
 when.

VIII. And whereas the said Games of Pheasants and Partridges are excessively spoiled and destroyed by base Persons, of bad and mean Condition, making a Trade and Living of the Spoiling and Destroying of the said Games, who are not of Sufficiency to pay any Penalty in any former Statute mentioned, nor to answer the Costs and Charges of any that should inform and prosecute against them in any of his Majesty’s Courts: By reason whereof, and for that the said Offenders are hardly discovered, and seldom or never found offending in the Presence of divers Witnesses, so that it is very hard to convict them by the Testimony of more Witnesses than one, by reason that they spoil and destroy the said Games secretly, and for the most Part in the Night-time, and do carry such Pheasants and Partridges as they

No. 22.

7 James I.

c. 11.

Penalty for  
taking any  
Pheasants or  
Partridges with  
Setting-dogs,  
Nets, &c.

'so destroy, likewise by Night, to Cities and Market-Towns 'to be sold : ' Be it therefore further enacted by the Authority aforesaid, That all and every Person or Persons which from and after the first Day of *September* next, shall take, kill or destroy any Pheasant or Partridge with Setting-dogs and Nets, or otherwise with any Manner of Nets, Snares or Engines, and the same Offence or Offences being proved by the Confession of the Party, or by the Testimony of one sufficient Witness upon Oath, before two or more Justices of the Peace of the same County, City or Town Corporate, wherein the Offence shall be committed, or the Party offending apprehended, shall be by the said Justices of Peace, for every such Offence, committed to the common Gaol of the said County, City or Town Corporate, where the Offence shall be committed, or the Party apprehended, there to remain for three Months without Bail or Mainprise, unless that the said Offender shall forthwith pay or cause to be paid to the Churchwardens or Overseers of the Poor of the said Parish, where the said Offence shall be committed, the Sum of twenty Shillings for every Pheasant or Partridge, which any and every such Person or Persons so offending shall take, kill, or destroy as aforesaid, contrary to the Purport and true Meaning of this Statute ; and further to become bound by Recognizance in the Sum of twenty Pounds to his Majesty, his Heirs and Successors, with Condition that he the said Party so offending shall not at any Time thereafter take, kill or destroy any Pheasant or Partridge ; which said Recognizance shall be taken by any one or more Justices of Peace of the said County, City or Town Corporate, where the said Offence shall be committed as aforesaid, and shall be returned to the then next Quarter-Sessions, and there to remain of Record as other Recognizances taken for the Peace.

Officers may  
search the  
Houses of Per-  
sons suspected  
to offend.

IX. And be it further enacted, That every Constable and Headborough, in every County, City, Town Corporate, and other Place where they shall be sworn Officers, shall and may, by virtue of this present Act, (bringing with them to that Purpose a lawful Warrant under the Hands of two Justices of the Peace of the County, City, Liberties, or Town Corporate) have full Power and Authority to enter into and search the House or Houses of any Person or Persons (other than such as by this present Act are allowed to take Pheasants and Partridges with Nets as aforesaid) being suspected to have any Setting-dogs or Nets for the taking of Pheasants and Partridges ; and whosoever they shall find any such Setting-dogs or Nets, the same to take, carry away, and detain, kill, destroy, and cut in Pieces, as Things prohibited by this Act, and forfeited to such of the said Officers as shall find out and take the same as aforesaid.

Continuance  
of this Act.

X. This Law to continue unto the End of the first Session of the next Parliament, and no longer. (3 Car. 1. c. 4. continued until the End of the first Session of the next Parliament, and farther continued by 16 Car. 1. c. 4.

## No. 23.

- 7 James I. c. 19. A. D. 1609.—An Act for the Explanation of one Statute made in the second Session of this present Parliament, intituled, 'An Act against unlawful hunting and stealing of Deer and Conies.'

## No. 24.

- 16 Charles I. c. 16. A. D. 1640.—An Act for the Certainty of Forests, and of the Meets, Meers, Limits, and Bounds of the Forests.

## No. 25.

- 13 Charles II. c. 10. A. D. 1661.—An Act to prevent the unlawful coursing, hunting, or killing of Deer.

## No. 26.

- 22 and 23 Charles II. c. 25. A. D. 1670.—An Act for the better Preservation of the Game, and for securing Warrens not inclosed, and the several Fishings of this Realm.

'WHEREAS divers disorderly Persons, laying aside their lawful Trades and Employments, do betake themselves to the stealing, taking and killing of Conies, Hares, Pheasants, Partridges and other Game intended to be preserved by former Laws, with Guns, Dogs, Trammels, Lowbels, Hays and other Nets, Snares, Hare-pipes and other Engines, to the great Damage of this Realm, and Prejudice of Noblemen, Gentlemen and Lords of Manors and others, Owners of Warrens:'

No. 26  
22 & 23 Car II.  
c. 25.

II. For remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That all Lords of Manors, or other Royalties, (1) not under the Degree of an Esquire, may from henceforth by Writing under their Hands and Seals authorize one or more Game-keeper or Game-keepers within their respective Manors or Royalties, who being thereunto so authorized, may take and seize all such Guns, Bows, Grey-hounds, Setting-dogs, Lurchers, or other Dogs to kill Hares or Conies, Ferrets, Trammels, Lowbels, Hays or other Nets, Hare-pipes, Snares

Who may appoint Game-keepers.

What such Game-keepers may seize.

(1) The Lord of a Hundred or Wapentake cannot, as such, appoint a Gamekeeper. *Lord Aylesbury v. Pattison* Doug 28.

No. 26. or other Engines, for the taking and killing of Conies, Hares  
 22 & 23 Car. II. Pheasants, Partridges or other Game, as within the Precinct  
 c. 25 of such respective Manors shall be used by any Person of  
 Power to Persons who by this Act are prohibited to keep or use the  
 search Houses. same: And moreover, That the said Game-keeper or Game-keepers, or any other Person or Persons being thereunto authorised by Warrant under the Hand and Seal of any Justice of the Peace of the same County, Division or Place, (2) may in the Day-time search the Houses, Out-houses or other Places of any such Person or Persons by this Act prohibited to keep or use the same, as upon good Ground shall be suspected to have or keep in his or their Custody any Guns, Bows, Greyhounds, Setting-dogs, Ferrets, Coney-dogs, or other Dogs to destroy Hares or Conies, Hays, Trampels or other Nets, Low-hels, Hare-pipes, Snarers or other Engines aforesaid, and the same and every or any of them to seize, detain and keep, to and for the Use of the Lord of the Manor or Royalty where the same shall be so found or taken, or otherwise to cut in pieces or destroy, as Things by this Act prohibited to be kept by Persons of their Degree.

What Persons  
 are prohibited  
 the keeping of  
 Guns, Bows,  
 Dogs, &c.  
 5 Mod 307  
 Salk. 212.

III. And it is hereby enacted and declared, That all and every Person and Persons not having Lands and Tenements, or some other Estate of Inheritance, in his own or his Wife's Right, of the clear yearly Value (3) of one hundred Pounds (4) per Annum, or for a Term of Life, (5) or having Lease or Leases of ninety-nine Years, or for any longer Term, of the clear yearly Value of one hundred and fifty Pounds, (6) other than the Son and Heir apparent of an

(2.) A Justice himself is not authorized to search. *Seimble Briggs v Evelyn* 2 H B. 114.

(3.) If the Premises are subject to a Mortgage, the Interest of which is more than the annual Value, the Party is not qualified: but Possession is, *prima facie*, Evidence of Property, and the Defendant must be presumed to be the entire Owner; the Task lies upon the other Party to make Proof to the contrary. *Wetherell v Hall*, Cald. 230. A Declaration before the Commissioners of Income Tax, that the Party had not an Income of £100 a year, and that certain Interest was payable out of his Estate, is Evidence of Want of Qualification, in Opposition to Evidence of his having an Estate worth £100 a year. *Rex v Clarke*, 8 T R. 220.

(4.) By 13 Richard II. Laymen not having Lands of forty Shillings a year, and Clergymen not advanced to ten Pounds a year, are prohibited to hunt, &c. on Pain of a Year's Imprisonment. By 1 James, c. 27, any Person keeping Greyhounds for coursing of Deer or Hare, or Setting-dog or Net to take Pheasants or Partridges, except he be seized of an Estate of Inheritance of the yearly Value of £10, above all Charges and Reprisers, or £30 a year of a Lives Estate, or Goods of the Value of £200, or be the Son of a Knight or Lord, or the Son and Heir apparent of an Esquire, is to be committed to Gaol for three Months, unless he pay 20s. By 3 James, c. 13, Restrictions with respect to Deer and Conies are imposed upon Persons not having Hereditaments of £40 a year, nor worth in Goods £200. By 7 James I. c. 11, a Freeholder of £40 a year of Inheritance, or Lives Estate of £80, or worth in Goods £400, may take Pheasants and Partridges in the Day-time, in his own free Warren.

(5.) A Life Estate is to be coupled with Leasehold, whereof £150 a year is necessary to constitute a Qualification. *Lowndes v Lewis*, Cald. 188. A Church Living is a Life Estate, S. C.

(6.) An Estate of £150 for 99 Years, or three Lives shall so long live. *Sufficient*. *Earl Ferrers v Hinton*, 8 T R 506.

Esquire, (7) or (8) other Person of higher Degree, (9) and No 26.  
the Owners and Keepers of Forests, Parks, Chases or War- 22 & 23 Car. II  
rens, being stocked with Deer or Conies for their necessary c. 25.  
Use, in respect of the said Forests, Parks, Chases or War-  
rens, are hereby declared to be Persons by the Laws of this  
Realm not allowed to have or keep for themselves, or any  
other Person or Persons, any Guns, Bows, Greyhounds, Set-  
ting-dogs, Ferrets, Coney-dogs, Lurchers, Hays, Nets, Low-  
bels, Hare-pipes, Gins, Snares, or other Engines aforesaid;  
but shall be and are hereby prohibited to have, keep or use  
the same. (10)

‘ IV. And forasmuch as divers Warrens and Grounds not No Person  
‘ inclosed, are used for the breeding and keeping of Conies in shall kill Conies  
‘ several Parts of this Kingdom, and that sundry dissolute and in a Warren not  
‘ disorderly Persons have been much encouraged to kill and inclosed.  
‘ destroy the Conies in such Warrens and Grounds not inclosed  
‘ in the Night-time, for that the same is not prohibited or  
‘ punishable by the Statutes in that Behalf made and provided,  
‘ which extend only to the stealing and killing of Conies in  
‘ Warrens or Grounds inclosed:’ For Remedy thereof, Be it  
enacted and declared, That if any Person or Persons shall  
at any Time enter wrongfully into any Warren or Ground  
lawfully used or kept for the breeding or keeping of Conies  
(although the same be not inclosed) and there shall take,  
chase or kill any Conies against the Will of the Owner or  
Occupiers thereof, not having lawful Title or Authority so to  
do, and shall be thereof lawfully convicted in manner here-  
after following, the Parties so offending shall yield to the Party  
grieved treble Damages and Costs, and suffer Imprisonment  
by the Space of three Months and after, till they shall find  
Sureties for their good Abearing. I forfeit

‘ V. And forasmuch as divers idle and disorderly Persons No Person  
‘ living near unto Warrens, have of late Time used to kill shall in the  
‘ and take the Conies upon the Borders of the same, and Night kill any  
‘ under Colour thereof do oft time enter into the said Warrens, Conies on the  
‘ and there take and kill Conies in the Night-time, when Borders of any  
‘ they cannot easily be discovered:’ It is further provided and Warren, except  
enacted, That no Person or Persons shall at any Time here- the Owner of  
after kill or take in the Night-time, any Conies upon the the Ground.

(7.) The Meaning of this Term is not very precisely defined. A Person is not constituted an Esquire by being so called in a Commission from the Lord Lieutenant of a County, as Captain in a Corps of Volunteers: Talbot v. Eagle, 1 Taunt. 510.

(8.) This means the Son of, some other Person of higher Degree, and not such Person himself, who is not qualified, merely as being of higher Degree than an Esquire: per Lord Mansfield, Ashurst, and Buller, Willes contra. Jones v. Smart, 1 T. R. 44. Rex v. Utley, cited ibid.

(9.) Colonels, Serjeants at Law, and Doctors in the three learned Professions, are of higher Rank than Esquires: 1 Bl. Com. 407. but a Diploma of a Scotch University does not give such Precedence in England: Jones v. Smart, ubi supra.

(10.) For the Penalties for sporting without being qualified, and the requisite Proceedings for recovering such Penalties, see Stat. 5 Anne, c. 14, post.



No. 26. the breeding or keeping of Conies; excepting only such Person or Persons as shall be Owner of the Soil, or lawful Occupier or Possessor of the Ground, or any Person or Persons employed by him, her or them, whereupon such Conies shall be so killed or taken; upon Pain that every Person so offending and being thereof lawfully convicted in manner hereafter following, shall give the Party or Parties injured such Recompence or Satisfaction for his or their Damages, and within such Time, as shall be appointed by the Justice before whom such Offender shall be convicted, and over and above pay down presently unto the Overseers for the Use of the Poor of the Parish where such Offence shall be committed, such Sum of Money not exceeding ten Shillings, as the said Justice shall think meet: And if such Offender or Offenders do not make Recompence or Satisfaction to the said Party or Parties injured, and also pay the said Sum to the Poor in Manner and Form aforesaid, then the said Justice shall commit the said Offender or Offenders to the House of Correction for such Time as the said Justice shall think fit, not exceeding one Month.

The Penalty.

Imprisonment

No Person shall kill, or set Snares for Hares, &c.

'VI. And whereas divers idle and disorderly Persons have of late Time taken up a Practice to take and kill Hares and Conies with Snares, Hare-pipes and other Engines, in or near Woods, Warrens or other Places;' It is hereby further enacted and declared by the Authority aforesaid, That if any Person or Persons, from and after the first Day of May which shall be in the Year of our Lord God one thousand six hundred seventy and one, shall be found or apprehended setting or using any Snares, Hare-pipes or other like Engines, and shall be thereof convicted in Manner following; the Person or Persons so offending shall be liable to the Penalties in the immediate foregoing Clause of this Act in Manner as aforesaid.

The Penalty.

No Person shall fish in the Pond of any Person without his Consent, with Nets or other Engines. See 2 Bur. 682.

'VII. And whereas divers idle, disorderly and mean Persons do from Time to Time betake themselves to the stealing, taking and killing of Fish out of Ponds, Pools, Motes, Stews and other several Waters and Rivers, to the great Damage of the Owners thereof:' Be it therefore further enacted by the Authority aforesaid, That if any Person or Persons from and after the first Day of May which shall be in the Year of our Lord God one thousand six hundred seventy and one, shall at any Time use any Casting-Net, Thiel-net, Drag-net, Tramel, Shove-net or other Net whatsoever, or any Angle, Hair, Noose, Troll or Spear, or shall lay any Wears, Pots, Nets, Fish-hooks, or other Engines, or shall take any Fish by any Means or Device whatsoever, in any River, Stew, Pond, Mote or other Water as aforesaid, or shall be aiding or assisting thereunto, without the Licence or Consent of the Lord or Owner of the said Water, (11) and

(11.) A Conviction quashed (amongst other Defects) for not stating the taking to be without the Consent of the Owner: *Rex v. Mallinson*, 2 Bar. 679.

be thereof, or of any other the Offence or Offences mentioned in this Act, (12) convict by Confession of the Offender or by Oath of one sufficient Witness within one Month after the Offence committed, before any Justice of the Peace of such County, Riding, Division or Place wherein such Offence as aforesaid shall be committed, which Oath the said Justice of Peace is hereby impowered to administer: Every such Offender or Offenders in stealing, taking or killing Fish, shall for every such Offence give to the Party or Parties injured, such Recompence or Satisfaction for his or their Damages, and within such Time, as the said Justice shall appoint, not exceeding treble Damages; and over and above, pay down presently unto the Overseers for the Use of the Poor where the said Offence shall be committed, such Sum of Money not exceeding ten Shillings, as the said Justice shall think meet: And in default of Payment as aforesaid, the same to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of such Justice before whom the Offender shall be convicted, rendering the Overplus if any be; and for want of Distress the Offender or Offenders shall be committed to the House of Correction for such Time as the Justice shall think fit, not exceeding one Month; unless the Party offending shall enter into Bond with one competent Surety or Sureties to the Party injured, not exceeding the Sum of ten Pounds, never to offend in like manner.

No. 26.  
22 & 23 Car. II.  
c. 25.

The Penalty.

To be levied  
by Distress.

VIII. And be it further enacted, That it shall and may be lawful for every Justice of Peace before whom such Offender as aforesaid shall be convict, to take, cut in pieces and destroy all and every such Angles, Spears, Hairs, Nooses, Trolls, Wears, Pots, Fish-hooks, Nets or other Engines whatsoever, wherewith such Offender as aforesaid shall be taken or apprehended.

Justice of the  
Peace may cut  
the Nets, &c.

IX. Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall find him or themselves aggrieved by any Judgment which shall happen to be given by any Justice of the Peace by virtue of this Act, it shall and may be lawful for such Person or Persons so aggrieved, to appeal unto the Justices of Peace in their General Quarter-Sessions which shall happen to be held next after such Judgment given: Who or the greater Number of them are hereby authorised and impowered to give such Relief and make such Order therein, as shall be agreeable to the Tenor of this Act; and such Judgment, Order or Determination, as by the said Justices shall be made upon the said Appeal, shall be final to all Intents and Purposes whatsoever, if no Title to any Land, Royalty or Fishery be therein concerned.

The Party  
grieved may ap-  
peal to the  
Quarter Ses-  
sions.

X. Provided always, and be it further enacted, That neither this Act nor any Thing therein contained shall extend or be construed to extend to the taking away or abridging of

A Saving of  
all Royalties  
and Preroga-  
tives to his Ma-  
jesty and Forest  
Laws.

(12.) There is Nothing in the subsequent Part of the Clause to give Effect to these Words.

No. 26. any Royalty or Prerogative Royal of his Majesty, nor to  
 23 & 24 Car. II. abridge, change or alter any Part of the Forest Laws of  
 c. 25. this Realm, but all and every such Laws, Rights, Powers, Royalties and Prerogatives Royal, shall remain and be in as full and ample Force and Virtue, as the same ought to have been in, if this Act had not been made; any Thing herein before contained to the contrary notwithstanding.

## No. 27.

William and Mary, c. 10. A. D. 1691.—An Act for the more effectual Discovery and Punishment of Deer Stealers.

## No. 28.

4 and 5 William and Mary, c. 23.—An Act for the more easy Discovery and Conviction of such as shall destroy the Game of this Kingdom.

No. 28.  
 4 & 5 Will and Mary, c. 25.

WHEREAS divers good and necessary Laws have been heretofore made for the better Preservation of the Game, notwithstanding which Laws; or for Want of the due Execution thereof, the Game of this Kingdom hath been very much destroyed by many idle Persons, who afterwards betake themselves to Robberies, Burglaries, or other like Offences, and neglect their lawful Employments; for Remedy whereof, and the more effectual Preservation of the Game,

Laws against  
 destroying  
 Game to be ex-  
 ecuted.

II. Be it enacted by the King's and Queen's most excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Law and Statute now in Force for the better Preservation of the Game, and every Article and Thing in them contained, and not herein and hereby altered or repealed, shall be duly put in Execution, according to the Tenor of the said Laws, and under the Penalties therein contained, to be raised, levied, and disposed of, as in and by the said Laws are directed.

Constable by  
 Warrant may  
 search suspect-  
 ed Houses.

III. And be it further enacted by the Authority aforesaid, That for the more easy Conviction of such Offenders, as by the said Laws are prohibited, every Constable, Headborough and Tythingman, being thereunto authorized by Warrant of one or more Justice of the Peace, under his or their Hands and Seals, shall and may have full Power and Authority, and he hereby required, to enter into and search (in such Manner and with such Power, as in and by an Act for the more effectual Discovery and Punishment of Deer-stealers, made in the third and fourth Years of their present Majesties' Reign, is provided in case of Venison or Skin of any Deer, or Toys) the House or Houses, Outhouses, of other Places belonging to such Houses or suspected Persons not qualified as aforesaid :

3 & 4 W. and M. c. 12.

And in case any Hare, Partridge, Pheasant, Pigeon, Fish, Fowl or other Game, (1) shall (upon such Search or otherwise) be found, the Offender shall be carried before some Justice of Peace of the same County, Riding, or Division; and if such Person do not give a good Account how he came by such Hare, Partridge, Pheasant, Pigeon, Fish, Fowl, or other Game, such as shall satisfy the said Justice, or else shall not in some convenient Time, to be set by the said Justice, produce the Party of whom he bought the same, or some other credible Person, to depose upon Oath such Sale thereof, that then such Person not giving such good Account, nor producing any such Witness as aforesaid, shall be convicted by the said Justice of such Offence, and upon such Conviction shall forfeit for every Hare, Partridge, Pheasant, Pigeon, Fish, Fowl, or other Game, any Sum not under five Shillings, and not exceeding the Sum of twenty Shillings, to be ascertained by the said Justice; one Moiety thereof to be paid to the Informer, and the other Moiety to the Poor of the Parish where the Offence was committed; the same to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justice before whom the Offender shall be convicted, rendering the Overplus, if any be; and for Want of Distress, the Offender or Offenders shall be committed to the House of Correction, for any Time not exceeding one Month, and not less than ten Days, there to be whipt and kept to hard labour; and in case any Person or Persons, not qualified by the Laws of this Realm so to do, shall have, keep, or use any Bows, Greyhounds, Setting-dogs, Ferrets, Cone-dogs, Hayes, Lurchers, Nets, Tunnels, Lowbels, Hare-pipes, Snares, or any other Instruments for Destruction of Fish, Fowl, or other Game, and shall be thereof convicted upon such Evidence as aforesaid, the Person or Persons so convicted shall forfeit and be subject to the same Pains and Penalties, as are hereby directed to be inflicted upon the Person or Persons who shall be found to have any Hare, Partridge, Pheasant, Pigeon, Fish, Fowl, or other Game, as aforesaid; and if any Person or Persons, so produced or charged with the said Offence, shall not before the same Justice give such Evidence of his Innocence as aforesaid, he shall be convicted thereof, in the same Manner, as the Person or Persons first charged therewith is hereby directed to be, and so from Person to Person, until the first Offender shall be discovered.

IV. And to the End all Keepers and Game-keepers, mentioned in and duly authorized according to the Act made in the Reign of the late King Charles the Second, may be indemnified in the Execution of the said Office, be it enacted, That all Lords of Manors or other Royalties, or any Person or Persons authorized by them as Game-keepers, shall and may, within their respective Manors or Royalties, oppose and resist

No. 28.

4 & 5 Will and Mary, c. 23.

If Hare, &c. be found, and Owner cannot give good Account, he shall be convicted. Burn, v. 1. 485.

Penalty upon Conviction, &c.

Person having Greyhounds, &c. how convicted and punished.

Game-keepers may oppose Persons in the Night.

21 Ed. 1. St. 2. 22 & 23 Car. 2. c. 25.

(1.) Rabbits killed in a private Warren are not Game within the Act. 1 Ed. 4 Reg. 151

**No. 28.** such Offender in the Night-time, in the same Manner, and  
 4 & 5 Will and be equally indemnified for so doing, as if such Fact had been  
 Mary, c. 23. committed within any ancient Chase, Park, or Warren inclo-  
 sed whatsoever.

Persons not  
 Owners of Fish-  
 eries, may not  
 keep Nets, &c.

V. ' And whereas divers idle, disorderly, and mean Per-  
 sons, have and keep Nets, Angles, Leaps, Piches, and other  
 ' Engines, for the taking and killing of Fish out of the Ponds,  
 ' Waters, Rivers, and other Fisheries, to the Damage of the  
 ' Owners thereof;' Be it therefore enacted by the Authority  
 aforesaid, That no Person or Persons whatsoever shall and  
 may, at any Time or Times, from and after the five and twen-  
 tieth Day of March, which shall be in the Year of our Lord  
 one thousand six hundred ninety-three, have or keep any Net,  
 Angle, Leap, Piche, or other Engine for the taking of Fish,  
 other than the Makers and Sellers thereof, for their better  
 Conveniency in the Sale of the same, and other than the  
 Owner and Occupier of any River or Fishery for the Time  
 being; and moreover that it shall and may be lawful, not only  
 for the Owner or Occupier of any River or Fishery, and also  
 for all and every other Person and Persons by him or them for  
 that Purpose appointed, to seize, detain, and keep to his and  
 their own Use and Uses, all and every Net, Angle, Leap,  
 Piche, and other Engine, which he or they shall find used or  
 laid, or in the Custody or Possession of any Person or Persons  
 whatsoever, fishing in any River or Fishery whatsoever, with-  
 out the Consent of the Owner or Occupier thereof, but also for  
 any Person or Persons whatsoever (being thereunto authorized  
 by Warrant under the Hand and Seal of any Justice of the  
 Peace of the same County, Division, Borough, Town Corpora-  
 te, or any other Place) in the Day-time to search the Houses,  
 Outhouses, or other Places of any Person or Persons hereby  
 prohibited to have or keep the same, as shall be suspected to  
 have or keep in his or their Custody or Possession, any Net,  
 Angle, Leap, Piche, or other Engine aforesaid, and the same  
 and every or any of them to seize, detain, and keep, to his  
 and their own Use and Uses, or otherwise to cut in Pieces or  
 destroy, as Things by this Act prohibited to be kept by Per-  
 sons of their Degree.

See 4 Ann. c. 26. 1 Geo. 1. St. 2. c. 18. 5 Geo. 1. s. 18. 23 Geo. 2. c. 26. s. 7. 26 Geo. 2.  
 c. 9. 30 Geo. 2. c. 21 and 30. And 33 Geo. 2. c. 27.

Fishermen,  
 &c. lawfully au-  
 thorized, ex-  
 cepted.

VI. Provided always, That this Act, or any thing  
 therein contained, shall not extend, or be construed to extend,  
 to abridge any Fisherman or his Apprentice or Apprentices,  
 lawfully authorized to fish in navigable Rivers or Waters,  
 with lawful Nets and Engines; but that every of them shall  
 and may (according to the Laws and Orders made, and to be  
 made and settled, for the good Order, Rule, and Government  
 of such navigable Rivers and Waters) use the Trade of fishing,  
 as they lawfully might have done before the making of this  
 Act; any thing in this Act contained to the contrary in any  
 wise notwithstanding.

VII. ' And whereas divers Offenders duly convicted, do commonly procure Writs of Certiorari to remove such Convictions into superior Courts at Westminster, in hopes thereby to discourage and weary out such Persons injured by great Delays, Expences, and Incertainties; be it therefore enacted, That no Certiorari shall be allowed to remove any Conviction made, or other Proceeding of, for, or concerning any Matter or Thing in this Act, unless the Party or Parties, against whom such Certiorari, become bound to the Person or Persons prosecuting, in the Sum of fifty Pounds, with such sufficient Sureties as the Justice or Justices of the Peace, before whom such Offender was convicted, shall think fit, with Condition to pay unto the said Prosecutors (within one Month after such Conviction confirmed, or Procedendo granted) their full Costs and Charges, to be ascertained upon their Oaths; and that in Default thereof, it shall be lawful for the said Justice and Justices, and others, to proceed to the due Execution of such Conviction, in such Manner as if no Certiorari had been awarded.

No. 28.  
& 5 Will. and  
Mary, c. 23.

No Certiorari,  
except Security  
be given to pay  
Costs.

VIII. Provided, That where any Offender shall be punished by force of this Act, he shall not be prosecuted, nor incur the Penalty of any other Law or Statute for the same Offence.

Not to be punished twice for  
same Offence.

IX. Provided always, That if any Action, Bill, Plaint, or Suit shall, at any Time after the said five and twentieth Day of March, be commenced or brought against any Person or Persons whatsoever, for or by Reason of any Matter or Thing which he or they shall do in pursuance of this Act, it shall and may be lawful to and for the Person or Persons so sued or prosecuted to plead the General Issue, and give this Act or any other special Matter in Evidence; and if the Verdict shall pass with the Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs become nonsuit, or suffer any Discontinuance thereof, that in any such Case such Defendant or Defendants shall have his or their treble Costs, which he or they shall have sustained in Defence of such Action or Suit, for which the said Defendant or Defendants shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to the Defendants.

General Issue.

Treble Costs.

X. ' And whereas great Mischiefs do ensue by inferior Tradesmen, (2.) Apprentices, and other dissolute Persons (3) neglecting their Trades and Employments, who follow hunting, fishing, and other Game, to the Ruin of themselves, and

Tradesmen,  
&c. liable to  
Costs for coming  
on another  
Man's Ground,  
to hunt, &c.  
See 2 Wils. 70.

(2.) In *Buxton v. Mingay*, 2 Wils. 70. the Court were equally divided, whether a Surgeon and Apothecary, not qualified to kill Game, was an inferior Tradesman within this Statute.

(3.) The Huntsman of a Gentleman of Fortune, hunting with his Master's Hounds and by his Orders, but not in his Presence, is not a dissolute Person within this Clause: *Pallant v. Roll*, 1 Bl. Rep. 900. A qualified Person cannot be deemed an inferior Tradesman: *Rex v. George*, 6 Mod. 40. In *Wickham v. Walter, Barnes*, 125, the Jury decided that the Defendant (a Clothier and Alconousekeeper) was an inferior Tradesman, and the Court awarded Costs accordingly. It is not necessary to alledge that a Person stated to be an inferior Tradesman was also a dissolute Person: *R. v. Clipp*, 2 Str. 711.

No. 28. 'Damage of their Neighbours;' for Remedy whereof be it enacted by the Authority aforesaid, That if any such Person as aforesaid shall presume to hunt, hawk, fish, or fowl, (unless in Company with the Master of such Apprentice, duly qualified by Law,) such Person or Persons shall be subject to the Penalties of this Act, and shall or may be sued and prosecuted for their wilful Trespass in such their coming on any Person's Land, and if found guilty thereof, the Plaintiff shall not only recover his Damages thereby sustained, but his full Costs of Suit; any former Law to the contrary notwithstanding.

Penalty upon  
burning Ling,  
&c. upon  
Heaths.

XI. Provided always, and be it enacted, That for the better preserving the red and black Game of Grouse, commonly called Heath-cocks, or Heath-polts, no Person whatsoever, on any Mountains, Hills, Heaths, Moors, Forests, Chases, or other Wastes, shall presume to burn, between the second Day of February and twenty-fourth of June, any Grig, Ling, Heath, Furze, Goss, or Fern, upon Pain that the Offender or Offenders shall be committed to the House of Correction, for any Time not exceeding one Month, and not less than ten Days, there to be whipt, and kept to hard Labour.

### No. 29.

5 Anne, c. 14. A. D. 1706.—An Act for the better Preservation of the Game.

No. 29.  
5 Anne, c. 14.

All Laws for  
Preservation of  
the Game to  
continue in  
Force, &c.

Made perpetual  
by 9 Anne,  
c. 25, which  
contains other  
Regulations.

WHEREAS several Laws have been already enacted for the better Preservation of the Game, and by Experience been found not sufficient to prevent destroying the Game, by reason of the Multitude of Higlar and other Chapmen, which give great Encouragement to idle loose Persons to neglect their lawful Employments, to follow and destroy the same; for Remedy whereof, and the more effectual Preservation of the Game, be it enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every of the Laws now in being for the better Preservation of the Game shall continue, remain, and be in the same Force, not hereby repealed or altered.

Higlar, Carrier, &c. not to  
hav. any Hare,  
or buy or sell  
Hare, &c. on  
on Penalty of  
5l.

See 3 Bur.  
1720.

7. c. 27. &c.

II. And be it further enacted by the Authority aforesaid, that if any Higlar, Chapman, Carrier, Innkeeper, Victualler, or Alehousekeeper, shall, from and after the first Day of May, one thousand seven hundred and seven, have in his or their Custody or Possession, any Hare, Pheasant, Partridge, Moor, Heath-game, or Grouse, or shall buy, sell, or offer to sell (1.) any Hare, Pheasant, Partridge, Moor, Heath-game, or Grouse, every such Higlar, Chapman, Innkeeper, Victualler, Alehouse-

(1.) As to what shall be deemed an Offering to Sale, see 28 Geo. II. c. 12. (post.) Sec. 1. and the Case of *Warneford v. Kendall*, 10 E. 19.

keeper, or Carrier (unless such Game in the Hands of such Carrier be sent up by Person or Persons qualified to kill the Game) shall upon every such Offence be carried before some Justice of the Peace for the County, Riding, City, or Town Corporate, or Liberties where the said Offence is committed; and upon View, or upon the Oath of one or more credible Witnesses, shall be convicted of the same, shall forfeit for every Hare, Pheasant, Partridge, Moor, Heath-game, or Grouse, the Sum of five Pounds, one half to the Informer, and the other half to the Poor of the Parish where the Offence was committed; the same to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justice or Justices of the Peace before whom such Offender or Offenders shall be convicted, rendering the Overplus (if any be) the Charge of distraining being first deducted; and for Want of Distress, the Offender or Offenders be committed to the House of Correction for the first Offence, for the Space of three Months, without Bail or Mainprize, and for every such other Offence, for the Space of four Months; provided, that such Conviction (2.) be made within three Months after such Offence committed; and that if any *Certiorari* shall be allowed to remove any Conviction made, or other Proceeding of or concerning any Matter or Thing in this Act, into any of the Courts at *Westminster*, upon any Pretence whatsoever, unless the Party or Parties, against whom such Conviction shall be made, shall, before the Allowance of such *Certiorari*, become bound to the Person or Persons prosecuting the same, in the Sum of fifty Pounds, with such sufficient Securities as the Justice or Justices of the Peace, before whom such Offender shall be convicted, shall think fit, with Condition to pay unto the Prosecutors, within fourteen Days after such Conviction or *Procedendo* granted, their full Costs and Charges, to be ascertained upon their Oaths; and that in Default thereof, it shall be lawful for the said Justice or Justices, or others, to proceed for the due Execution of such Conviction, in such Manner as if no such *Certiorari* had been awarded.

No. 29.  
Anne, c. 14  
To be levied  
by Distress, &c.

(Quo i)

III. And for the better Discovery of such Higlar, Chapman, Carrier, Inn-keeper, Alehouse-keeper, and Victualler, as shall offer to buy or sell any Hare, Pheasant, Partridge, Moor, Heath-game or Grouse; Be it further enacted by the Authority aforesaid, That from and after the said first Day of May, any Person that shall destroy, sell, or buy any Hare, Pheasant, Moor, Heath-game, or Grouse, and shall within three Months make Discovery of any Higlar, Chapman, Carrier, Inn-keeper, Alehouse-keeper, or Victualler, that hath bought or sold, or offered to buy or sell, or had in their Possession any Hare, Pheasant, Partridge, Moor, Heath-game, or Grouse, so as any one shall be convicted of such Offence, in Manner as aforesaid, such Discoverer to be discharged of the Pains and

Encourage-  
ment to De-  
stroyers of the  
Game to make  
Discoveries

(2.) The Conviction cannot be after the three Months, although the Delay was occasioned by the Hearing being adjourned at the Request of the Defendant: *Rex v. Tolley*, 3 E. 467.



No. 29. Penalties hereby enacted for killing or selling such Game as  
 § Anne, c. 14. aforesaid, shall receive the same Benefit or Advantage as  
 any other Informer shall be entitled to, by virtue of this Act,  
 for such Discovery and Information.

Persons not  
 qualified to keep  
 Greyhounds,  
 &c. and destroy

IV. And be it enacted by the Authority aforesaid, That  
 if any Person or Persons, not qualified by the Laws of this  
 Realm so to do, (3.) shall keep (4.) or use (5.) any Grey-

(3.) It is fully settled that a general Averment of the Defendant not being qualified is sufficient in an Action on this Statute: *Bluet v. Needs*, Com. Rep. 522; and that such general Allegation is not sufficient in a Conviction; but that the several Qualifications enumerated in 22 & 23 Charles II. c. 25. must be negatively set out in the Conviction: *R. v. Jarvis*, 1 Bur. 148. And in *Rex v. Earnshaw*, 15 E. 456, the Conviction was set aside for not expressly negating that the Defendant was seised in Right of his Wife; although the Conviction was according to the Form of Burn, drawn by Lord Ashburton, and which had been usually pursued. In *Rex v. Crowther*, 1 T. R. 125, the Court seemed to think that it was not necessary that the Evidence should negative every particular Qualification; but the Conviction was quashed on another Point; and the general Question, whether upon a Conviction it was necessary to give any Evidence of Want of Qualification, was not entered into. Such Evidence is admitted not to be necessary in the Case of an Action. In *R. v. Stone*, 1 East, 636, the Question, whether Evidence must be given of the Want of Qualification in case of a Conviction, came directly before the Court of King's Bench, when the Judges were equally divided; Lord Kenyon and Grose J. being of Opinion that some Evidence upon that Point must be given; Lawrence J. and Le Blanc J. on the contrary, that the Proof of Qualification lay on the Defendant. Mr. Paley, in his *Treatise on Convictions*, p. 139, after noticing this Case, and the Opinions which were expressed in some preceding Cases bearing upon the Subject, and referring to the Precedent in Burn, in which the Qualifications are negated by the Evidence, judiciously observes, that the Considerations which he had stated may suggest the Prudence at least of adhering to a Form so long used, till a conclusive Determination shall have set the Question at Rest. Lord Kenyon, in giving his Opinion in *R. v. Stone*, observed, "It is said to be impossible for the Prosecutor's Witnesses to give negative Evidence of the Want of Qualification; but I do not see why it may not be done. A Witness may give general Evidence of it from his Belief: he may know the Defendant, and know that to all Appearance he may not be a Man of Substance. Evidence may be given of his Condition in Life, to raise a reasonable Presumption against his having any of the necessary Qualifications." It is also necessary to advert to his Lordship's Observation upon another Part of the Section, in *R. v. Davis*, 6 T. R. 177. "Here was Evidence tending to prove the Offence: we have no Authority to examine further, and see whether the Conclusion drawn by the Magistrate be or be not the inevitable Conclusion from the Evidence. It is sufficient in Convictions if there were such Evidence before the Magistrate, as, in an Action, would be sufficient to be left to a Jury."

(4.) The mere keeping a Lurcher is sufficient to incur the Penalty, without using: *R. v. Filer*, 1 Str. 426. So of Harepipes and such like, which are peculiarly fitted or disposed for killing Game: per *Coriam*; *Rex v. Gardiner*, And. 255. 2 Str. 1098. but it is otherwise with respect to a Gun, which is not an Instrument so appropriated to killing Game, as that it is criminal for a Person to have one in his Custody only: Ruled *ibid*. In *Rex v. Huntley*, Cald. 175, it seems to have been thought that the mere keeping a Greyhound was sufficient; but in *Read v. Phelps*, 15 East. 271, in an Action for keeping a Set-ting-dog, there being no Evidence of the Dog being used for killing Game, and the Dog was still young, having been used for the Purpose of killing Game, it was ruled that the Action could not be supported; and Lord Ellenborough said, that according to the Argument of the Plaintiff, the keeping of a Dog, not for the Purpose of destroying Game, would be Evidence of a keeping in order to destroy it.

(5.) In *Rex v. King*, 1 Sess. Cas. 88, Parker Ch. J. said that walking about with a Gun, with Intent to kill Game, is Evidence of using the Instru-

hounds, (6.) Setting-dogs, (7.) Hayes, Lurchers, Tunnells, or any other Engines to kill and destroy the Game, (8.) and shall be thereof convicted upon the Oath of one or two credible

No. 29.  
§ Anna, c. 14.  
the Game, to  
forfeit 5l. to be

ment for that Purpose. In *Rex v. Davis*, 6 T. R. 177, the Witness swore that the Defendant did keep and use a Gun with Intent to kill and destroy Game, and that he was satisfied that he did so, from hearing a Gun go off, and observing that it was fired by the Defendant, who was walking about with that apparent Intent; and the Conviction upon this Evidence was held good; *Vi. the Observation of Lord Kenyon*, *supra*, Note 3. In *Rex v. Thomson*, 2 T. R. 18, a Deposition by the Witness in general Terms, according to the Precedent in Burn, that the Defendant *did keep and use a Gun to kill and destroy the Game*, was supported as being an established Form, although objectionable upon Principle; and the Decision was adhered to in *Rex v. Pearse*, 9 East. 358. In *Rex v. Clarke*, 8 T. R. 220, the Court expressed their Approbation of the Manner in which the Conviction was drawn up, wherein the Magistrates had not simply stated in the Words of the Act of Parliament, that the Defendant had kept and used, &c. but had set forth the particular Evidence of his having done so; viz. that the Witness had seen him course and kill a Hare with the said Greyhound; and had also set forth all the Evidence for and against the Defendant, upon the Question of his Qualification: and they recommended this as a Precedent to be followed in future. See the Precedent framed on the same Principle, Burn, Game I. and said to be drawn by Lord Ashburton; but see also *Rex v. Earnshaw*, *supra*, Note 3.

(6.) A Conviction for keeping and using a Dog called a Greyhound, was held good; and Lord Mansfield said that he thought a Dog called a Greyhound was positive enough, and must mean the Dog of that Species generally known in this County: *Rex v. Hartley*, Cald. 175. In *Rex v. Earnshaw*, a Conviction for keeping and using a Dog called a Lurcher was held to be sufficient.

(7.) The Act only extends to such Dogs as are particularly mentioned, therefore in *Hooker v. Wills*, 2 Str. 1126, it was held that an Action could not be maintained for the Penalty for using a Hound to destroy the Game. So in *Reason v. Little*, Com. Rep. 376, where the Action was for using a Dog.

(8.) In *Rex v. Newman*, Loft 178, upon an Application for an Information against a Justice for convicting two unqualified Persons who were out couring with a qualified Person, the Court were of Opinion, that the two unqualified Persons were protected by being in Company with the qualified one; but dismissed the Application, the Justice paying Costs. The subjecting the Justice to Costs seems to have been rather a hard Measure, whatever may have been the Law upon the principal Question; as there seems to have been no Ground for imputing any Thing more than a mere erroneous Judgment, which would not have been sufficient without more to have supported the Information if it had been brought to Trial. In a Case before Lawrence J. at Stafford, cited in the later Editions of Burn, it was held that though a qualified Person may take his Servant to assist him to kill Game, he cannot qualify him to kill it, neither will his Presence protect an unqualified Person, not being his Servant, who goes to take the Amusement of couring. But if such Person take an active Part by beating across the Fields, or on open Lands, and join in the Diversion in the same Manner with a qualified Person, he is as much liable to the Penalties as if no qualified Person was present; but from a Note in 15 East. 462 it appears that there is Reason to think that that Case was governed by special Circumstances. In *Rex v. Taylor*, 15 East. 460. it was held that a Huntsman attending his Master was not liable to the Penalties. The general Question came more fully before the Court in *Lewis v. Taylor*, 15 East. 49, where the Defendant was out couring with a qualified Man, and took an active Part in the Sport by beating the Bushes, and took up the Game after it had been killed; and it was ruled that he was not liable to the Penalty of the Statute. Lord Ellenborough said, "There is no Evidence against this Defendant of using a Greyhound for killing the Game. This is not a solitary Amusement, and there is nothing to prevent a qualified Person from taking others to assist him in the Pursuit of the Game, and he is the Person using the Dog."

No. 29. Witnesses, (9.) by the Justice or Justices of the Peace where  
 5 Anne, c. 14. such Offence is committed as aforesaid, the Person or Per-  
 levied by Dis- sons (10.) so convicted shall forfeit the sum of five Pounds, (11.)  
 tress and Sale, one Half to be paid to the Informer, and the other Half to the  
 &c Poor of the Parish where the same was committed; (12.) the  
 See 1 Bur. 148. same to be levied by Distress and Sale of the Offender's Goods,  
 by Warrant under the Hand and Seal of such Justice or Jus-  
 tices, before whom such Person or Persons shall be convicted  
 as afore-said; and for want of such Distress, (13.) the Offen-  
 der or Offenders shall be sent to the House of Correction  
 for the Space of three Months for the first Offence, and  
 for every such other Offence four Months; and that it shall  
 and may be lawful to and for any of her Majesty's Justices of  
 the Peace, in their respective Counties, Ridings, Cities,  
 Towns Corporate, or Liberty, and the Lords and Lady  
 his, her, their, or any of their respective Manors, vil-  
 said Manors, to take away any such Hare, Pheasant, Par-  
 tridge, Moor, Heath game, or Grouse, or any other Game,  
 from any such Higlar, Chapman, Inn-keeper, Victualler, or  
 Carrier, or any other Person or Persons not qualified to kill

Justices or  
 Lords of Ma-  
 nors, &c. may  
 take away any  
 Hare, &c. from  
 Person not qual-  
 ified; and also  
 their Dogs,  
 Nets, &c.

the others have no other Use of them than as his Servants, and contemplating with him the Pleasures of the Chase. If indeed, an unqualified Man had used his own Greyhounds for the Purpose of sporting, though in the same Company with a qualified Person, that Case would admit of a different Consideration. The picking up of the Hare after it is killed, is no using of the Dogs to kill Game." The other Judges agreed, and Bayley J. said, "The Defendant neither kept the Dog, nor was it under his Controll at the Time it was used to kill the Hare." The Legislature seem to have had in View the Variation of the judicial Opinions above noticed. For by the Schedule of Assessed Taxes, 52 Geo. III. c. 93. a Duty is imposed upon any Person who shall use any Dog, &c., or shall take or kill or assist in any Manner in the taking or killing any Game: which Enactment, by 54 Geo. III. c. 141. is repealed as to Persons aiding and assisting, provided it be in the Presence and for the Use of another Person who has obtained a Certificate in his own Right; and who therein shall use his own Dog, Gun, &c.

The Declaration in an Action on this Clause usually avers, that the Defendant used a Gun, &c. being an Engine for the Destruction of Game, to kill and destroy the Game: but in *Avery v. Hoole*, Cowp. 825, it was held that the Allegation that he "used a Gun, being an Engine for the Destruction of Game," though bad on Demurrer was cured by Verdict, and should be construed as averring that the Engine was used for the Destruction of Game.

(9.) The Defendant may be convicted on his own Confession, although not so expressed in the Act. *R. v. Gage*, 1 Str. 546.

(10.) There can be only one Penalty against several Persons for using a Greyhound at one Time, as it is only one Offence. *Rex v. Blunsdale*, 4 T. R. 809.

(11.) A Person can only incur one Penalty in the same Day, whatever Number of Hares, &c. he may kill. *Q. v. Mathews*, 10 Mod. 26. *Marrott v. Shaw*, Ave. R. 274. And a Person can only be convicted in one Penalty for keeping and using a Gun, and also a Dog, on the same Day. *R. v. Lover*, 7 T. R. 182. Several Penalties for distinct Offences may be included in one Conviction: *Rex v. Swallow*, 8 T. R. 284.

(12.) If a Party, being in one Parish, shoot into another, the Offence is committed in the Parish in which he stands. *R. v. Alsop*, Str. 339.

(13.) An Action of Trespass was maintained against a Justice, for committing a Person who had Effetas which might have been distrained, immediately upon Conviction, without endeavouring to levy the Penalty on his Goods. *Hill v. Bateman*, 2 Str. 710.

the same, and shall be found in their Custody or Possession; and likewise to take away such Dogs, Nets, or other Engines (14.) which shall be in the Power or Custody of any Person or Persons not qualified by the Laws to keep the same, to their own proper Use, without being accountable to any Person or Persons for the same; and that it shall and may be lawful for any Lord or Lady of his or her respective Lordship or Manor, by Writing under his or her Hand and Seal, to empower his or her Game-keeper or Game-keepers, upon his or her own Lordship or Manor as aforesaid, (15.) to kill Hare, Pheasant, Partridge, or any other Game whatsoever; (16.) but if the said Game-keeper shall, under Colour or Pretence of the said Power and Authority to kill or take the same for the Use of such Lord or Lady, and afterwards sell or dispose thereof to any Person or Persons whatsoever, without the Consent or Knowledge of the Lord or Lady of such Manor or Manors that hath given such Power or Authority, in Manner as aforesaid; and shall be thereof convicted, upon the Complaint of such Lord or Lady of any Manor, and upon the Oath of one or more credible Witnesses, before any one or more of her Majesty's Justices of the Peace as aforesaid, upon such Conviction such Game-keeper shall be committed to the House of Correction for the Space of three Months, and there to be kept to hard Labour. And this Act shall remain and be in Force for the Space of three Years, from the first Day of May, one thousand seven hundred and seven, and from thence to the End of the next Sessions of Parliament, and no longer.

No. 29.  
§ Anne, c. 14.

This Act made perpetual by 9 Ann. c. 25, as altered by that Act.

V. [No Heath, Ling or Brakes, to be burnt in Forest of Sherwood, without Licence of Owner.—None to buy Fern Ashes, on Penalty.—Justices to issue their Warrants for Offenders]

(14.) A Justice of Peace may take a Gun used by an unqualified Person, *Devenish v. Mertus*, 7 Mod. 215 but not the Gun of a Game-keeper, although he be not within his own Manor: *Rogers v. Carter*, 2 Wils. 286. he cannot enter a House to search for Engines, &c. See *Briggs v. Evelyn*, 2 H. B. 114.

(15.) The Courts will not permit the Title or Boundaries of a Manor to be tried in an Action for Penalties on the Game Laws, provided there is any colourable Title; but it is otherwise when there is no Pretence of Title, and there has been no other Exercise of Right than the granting of the particular Deputation. *Calcraft v. Gibbs*, 4 T. R. 681. and *Hawkins v. Bailey*, and *Blunt v. Grimes*, there cited. And upon the new Trial in *Calcraft and Gibbs*, 5 T. R. 19, it appeared that the Person making the Appointment had purchased an Estate within the Manor from the Lord, who agreed that he should have the Deputation of the Manor: this was held not to be such a Colour of Title as would excuse the Gamekeeper. Lord Kenyon said, "A Man cannot convey to another the Power of appointing a Gamekeeper, without a Conveyance also of the Manor itself. Such a Power is a mere Emanation of the Manor, and is inseparable from it. It is a mere Shadow, accompanying the Substance."

(16.) Semble, that a Lord of a Manor, although not qualified by Estate, may kill Game within his Manor, but not elsewhere. See *Mallock v. Eastley*, 7 Mod. 482; and *Gates* referred to, *Chitty* 42.

## No. 30.

9 Ann. c. 25. A. D. 1710. — An Act for making the Act of the fifth Year of her Majesty's Reign, for the better Preservation of the Game, perpetual, and for making the same more effectual.

No. 30. **W**HEREAS the Act made in the fifth Year of her Majesty's Reign, intituled, *An Act for the better Preservation of the Game*, will expire at the End of this present Session of Parliament unless the same be continued: And whereas the said Act hath been found to be an useful Law for the Preservation of the Game of this Kingdom; Be it therefore enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Clauses, Matters, and Things therein contained, shall stand in full Force and Virtue, and be continued, and deemed, and taken to be a perpetual Law, subject nevertheless to the Additions or Alterations hereinafter in this Act contained: That is to say, Whereas by the said recited Act, any Lord or Lady of a Manor might appoint several Game Keepers in the same Manor, and every one of the Game Keepers so appointed might kill any Game in the same Manor; for the preventing therefore of the Destruction of the Game of this Kingdom, which may happen by appointing several Game Keepers in the same Manor, with Authority to kill the Game therein; Be it further enacted by the Authority aforesaid, That from and after the first Day of May one thousand seven hundred and eleven, no Lord or Lady of a Manor shall make, constitute or appoint above one Person to be a Game Keeper within any one Manor, with Power or Authority to kill or destroy the Game thereof; and that the Name of such Person as to be authorized to kill the Game, shall, from Time to Time, be entered with the Clerk of the Peace for the Time being, of the County, Riding, or Division wherein such Manor doth lie, such Entry to be made and viewed without Fee or Reward, and a Certificate thereof to be granted by the Clerk of the Peace, upon Payment of one Shilling for the same; and in case any other Game Keeper, whose Name shall not be entered as aforesaid, who shall not be otherwise qualified by the Laws of this Kingdom to kill Game, shall presume to kill any Hare, Pheasant, Partridge, Moor, Heath Game, or Game, or if any Game Keeper or Game Keepers, or other Person or Persons whatsoever, not being qualified in his own Right to kill Game, shall sell, or expose to Sale, any Hare, Pheasant, Partridge, Moor, Heath Game, or Game, the respective Offender or Offenders herein shall, for every such Offence, incur such Forfeitures, Pains, and Penalties, as are inflicted by the said recited Act upon Highers, Carriers, Inn Keepers, or Victuallers,

Lords of Manors shall appoint but one Gamekeeper in one Manor, whose Name shall be entered with the Clerk of the Peace.

for buying or selling of Game; such Forfeitures to be recovered by such Means, and in such Manner and Form, and within such Time, and to such Uses, as are prescribed by the said Act; any Thing in the said recited Act, or in any other Law or Statute to the contrary thereof in any wise notwithstanding.

II. And be it further enacted, by the Authority aforesaid, That if any Hare, Pheasant, Partridge, Moor, Heath Game, or Grouse, shall be found in the Shop, House, or Possession (1.) of any Person or Persons whatsoever, not qualified in his own Right to kill Game, or being entitled thereto under some Person so qualified, the same shall be adjudged, deemed, and taken to be an exposing thereof to Sale, within the true Intent and Meaning of this and the said recited Act; (2.) any Thing in this or in the said recited Act to the contrary thereof in any wise notwithstanding.

No. 30.  
9 Anne, c. 25.  
If any Hare, &c. be found in the Shop, &c. of any unqualified Person, &c. it shall be judged an exposing to Sale.

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall take, kill, or destroy any Hare, Pheasant, Partridge, Moor, Heath Game, or Grouse, in the Night Time, the Person or Persons so offending, shall likewise for every such Offence incur such Forfeitures, Pains, and Penalties, as aforesaid, to be recovered likewise by such Means, within such Time, and to such Uses as aforesaid.

Killing any Hare, &c. in the Night, to incur the like Forfeitures.

IV And whereas very great Numbers of Wild Fowl, of several Kinds are destroyed by the pernicious Practice of driving and taking them with Hayes, Tunnels, and other Nets, in the Fens, Lakes, and Broad Waters, where Fowls resort in the moulting Time, and that at a Season of the Year when the Fowl are sick, and moulting their Feathers, and the Flesh unsavoury and unwholesome, to the Prejudice of those that buy them, and to the great Damage and Decay of the Breed of Wild Fowl; Be it therefore further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, between the first Day of July and the first Day of September, as they shall yearly happen, shall by Hayes, Tunnels, or other Nets, drive and take away any Wild Duck, Teal, Widgeon, or any other Fowl, commonly reputed Water Fowl, in any of the Fens, Lakes, Broad Waters, or other Places of Resort for Wild Fowl in the moulting Season, such Person or Persons, who shall so offend, and thereof shall be convicted before any one or more of her Majesty's Justices of the Peace for the County where such Offence shall be committed, by the Oath of one or more credible Witness, shall for every Wild Duck, Teal, or other Water Fowl so taken as aforesaid, forfeit and

10 G. 2. c. 37.

No Person shall, between 1 July and 1 Sept. take any Wild Duck, &c. by Hayes, &c. on Forfeiture of 5s. for each Wild Fowl, &c.

(1.) Judgment for Plaintiff in an Action for having in Possession, although objected that the Statute only makes it Evidence of an Exposing to Sale: *Jones v. Bishop*, Say. 191. A Servant employed to detect Poachers taking up a Hare killed by Strangers, for the Purpose of taking it to the Lord, has not such a Possession as will subject him to a Penalty. *Warford v. Kendall*, 10 E. 19.

(2.) And by Relation to Stat. 5 Anne, the Penalty is incurred for every Hare, &c.: *Bluet v. Nees*, Com Rep 522

No. 30. pay the Sum of Five Shillings; one Moiety thereof to be paid  
 9 Anne, c. 25. to the Informer, and the other Moiety to the Poor of the  
 • Parish where such Offence shall be committed; the same to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justice and Justices of the Peace, before whom the Offender shall be convicted, rendering the Overplus, if any be, above the Penalty and Charge of Distress; and for Want of Distress the Offender or Offenders shall be committed to the House of Correction for any Time not exceeding one Month, nor less than fourteen Days, there to be whipt and kept to hard Labour; and the Justice or Justices of the Peace, before whom such Person or Persons so offending shall be convicted, shall order such Hayes, Nets or Tunnels, that were used in driving and taking the said Wild Fowl as aforesaid, to be seized, and immediately destroyed, in the Presence of such Justice or Justices.

## No. 31.

3 George I. c. 11.—An Act to explain and amend several Laws therein mentioned, for the better Preservation of the Game.

No. 31.  
 3 George I. c. 11.  
 11.  
 5 Ann, c. 14.  
 2nd  
 9 Ann, c. 25.  
 I. **W**HEREAS by an Act made in the fifth Year of the Reign of her late Majesty Queen Anne, intituled, "An Act for the better Preservation of the Game," it is enacted, that it shall and may be lawful for any Lord or Lady of his or her respective Lordship or Manor, by Writing under his or her Hand and Seal, to empower his or her Game-keeper or Game-keepers, upon his or her own Lordship or Manor, to kill Hare, Pheasant, Partridge, or any other Game whatsoever; which Power of appointing several Game-keepers in the same Manor, with Power to kill Game, was found by Experience to tend very much to the Destruction of the Game of this Kingdom: for the preventing whereof, by one other Act of the ninth Year of the Reign of her said late Majesty Queen Anne, intituled, "An Act for making the Act of the fifth Year of her Majesty's Reign, for the better Preservation of the Game, perpetual, and for making the same more effectual," it was enacted, that no Lord or Lady of any Manor shall make, constitute, or appoint above one Person to be a Game-keeper within any one Manor, with Power or Authority to kill or destroy the Game thereof; and that the Name of such Person so to be authorized to kill the Game, shall from Time to Time be entered with the Clerk of the Peace of the County, Riding, or Division, wherein such Manor does lie, which Power of appointing a Game-keeper so to be entered as aforesaid, was manifestly designed to no other Intent or Purpose whatsoever, but that any Lord or Lady might appoint such Person as he or she should think proper to kill the Game upon his or her own Lordship or Manor, for the sole and

' proper Use of the said Lord or Lady; such Gamekeeper No. 31.  
 ' being expressly restrained by the said first-recited Act from 3 George I. c  
 ' selling or disposing of any Game to any Person or Persons  
 ' whatsoever, without the Consent or Knowledge of the  
 ' said Lord or Lady of such Manor or Manors, that had  
 ' given such Power and Authority as aforesaid: And whereas  
 ' under Colour and Pretence of the said Power and Authority  
 ' to kill or take Game for the Use of the Lords or Ladies of  
 ' any Manor, it is become usual and frequent in several Parts  
 ' of the Kingdom, for Lords and Ladies of Manors to grant  
 ' Powers and Deputations to the Farmers, Tenants, and Oc-  
 ' cupiers of the Lands and Estates lying within the Precincts  
 ' of their respective Manors, to be Game-keepers, with Power  
 ' to kill and destroy the Game; which Practice is a very  
 ' great Abuse of the Powers intended by the said Acts to  
 ' be granted, and manifestly tends very much to the De-  
 ' struction of the Game of this Kingdom: For Remedy  
 ' whereof, Be it enacted by the King's most Excellent Ma-  
 ' jesty, by and with the Advice and Consent of the Lords  
 ' Spiritual and Temporal, and Commons, in this present Par-  
 ' liament assembled, and by the Authority of the same, That No Lord or a  
 ' from and after the tenth Day of July one thousand seven Manor shall ap-  
 ' hundred and seventeen, no Lord or Lady of any Ma- point any Game  
 ' nor shall make, constitute or appoint any Person to be a keeper, with  
 ' Game-keeper, with Power and Authority to take and kill Power to kill  
 ' Hare, Pheasant, Partridge, or any other Game whatso- the Game, ex-  
 ' ever, unless such Person be qualified by the Laws of this cept he be qua-  
 ' Realm so to do, or unless such Person be truly and properly lified so to do,  
 ' a Servant to the said Lord or Lady, or such Person be im- or be a Game-  
 ' mediately employed and appointed to take and kill the Game, &c.  
 ' for the sole Use or Benefit of the said Lord or Lady, and not  
 ' otherwise: and that no Lord or Lady of any Manor shall au-  
 ' thorize or qualify any Person or Persons whatsoever, not being  
 ' qualified by the Laws of this Realm so to do, to take or kill  
 ' any Hare, Pheasant, Partridge, or other Game whatsoever, Nor to keep  
 ' or to keep or use any Greyhound, Setting-dogs, Hays, Lut- any Greyhound,  
 ' chers, Guns, Tunnels, or any other Engine, to kill and &c.  
 ' destroy the Game; and that any Person or Persons what- Unqualified  
 ' soever, not being qualified by the Laws so to do, or not being Persons taking  
 ' truly and properly a Servant of any Lord or Lady of a Manor, the Game shall  
 ' or not immediately employed and appointed to take and kill be liable to the  
 ' the Game for the sole Use or immediate Benefit of the said Forfeitures in  
 ' Lord or Lady, who, under Colour or Pretence of any Power the recited Acts.  
 ' or Authority, Deputation, or Qualification to him granted by  
 ' any Lord or Lady of a Manor, shall take or kill any Hare,  
 ' Pheasant, Partridge, or other Game whatsoever, or shall keep  
 ' or use any Greyhounds, Setting-dogs, Hays, Lurchers, Guns,  
 ' Tunnels, or any other Engine, to kill and destroy the Game,  
 ' being thereof legally convicted, shall, for every such Offence,  
 ' incur such Forfeitures, Pains and Penalties, as are appointed  
 ' to be inflicted by the said recited Acts of the fifth and ninth  
 ' Years of the Reign of the late Queen Anne; such Forfeit-



No. 31. tures to be recovered by such Means, and in such Manner  
 3 George I. c. 11. and Form, and within such Time, and to such Uses, as are  
 prescribed by the said recited Acts; any Thing in the said  
 Acts, or in any other Law or Statutes to the contrary thereof  
 in any wise notwithstanding.

II. And be it further enacted by the Authority aforesaid,  
 The recited Acts shall remain in Force. That the said recited Acts of the fifth and ninth Years of the  
 Reign of her said late Majesty Queen Anne, and all other  
 Laws now in Force for the better Preservation of the Game,  
 and all Matters, Powers and Things therein contained, not  
 hereby altered and repealed, shall continue, remain, and be  
 in full Force.

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### No. 32.

5 Geo. I. c. 15. A. D. 1718.—An Act for making more  
 effectual an Act of the third and fourth Years of  
 the Reign of King William and Queen Mary, intituled,  
 'An Act for the more effectual Discovery and  
 Punishment of Deer-stealers.

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### No. 33.

George I. c. 28. A. D. 1718.—An Act for the fur-  
 ther Punishment of such Persons as shall unlawfully  
 kill or destroy Deer in Parks, Paddocks, or other  
 inclosed Grounds.

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### No 34.

No. 34. 8 George I. c. 19. A. D. 1721.—An Act for the better  
 8 George I. c. 19. Recovery of the Penalties inflicted upon Persons who  
 19. destroy the Game.

Wheresoever any Person shall be liable to any pecuniary Penalty; any other Person may recover the Penalty by Information before a Justice, or for the same See a *East's Rep.* 333. **F**OR rendering more effectual the Laws now in being for the better Preservation of the Game, be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whosoever any Person shall, for any Offence to be hereafter committed against any Law now in being for the better Preservation of the Game, be liable or subject to pay any pecuniary Penalty or Sum of Money, upon Conviction before any Justice or Justices of the Peace, it shall and may be lawful for any other Person whatsoever; either to proceed to recover the said Penalty, by Information and Conviction before a Justice or Justices of the Peace, in such Manner as is in such Law contained, or to sue for the same by Action of Debt, or on the Case, Bill, Plaint or Information in any of

his Majesty's Courts of Record, wherein no Essoin, Protection, Wager of Law, or more than one Imparllance shall be allowed, and wherein the Plaintiff, if he recovers, shall likewise have his double Costs. (1.)

No. 34.  
8 George I.  
c. 19.

II. Provided, That all Suits and Actions to be brought by Force of this Act shall be brought before the End of the next Term after the Offence committed; and that no Offender against any of the Laws now in being for the better Preservation of the Game shall be prosecuted for the same Offence, both by the Way prescribed by this Law, and by the Way prescribed by any of the said former Laws; and that in case of any second Prosecution, the Person so doubly prosecuted may plead in his Defence the former Prosecution pending, or the Conviction or Judgment thereupon had.

Actions to be brought before the End of the Term after the Offence committed. Altered by 2 Geo. 3. c. 19 s. 5. See 2 East's Rep 133.

(1.) The Action may be brought against several Defendants, and the Verdict taken against some, and the others acquitted: *Hardyman v. Whitacre*, 2 H. 573.

### No. 35.

9 George I. c. 22. A. D. 1722. — An Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of his Majesty's Subjects, and for the more speedy bringing the Offenders to Justice.

[Inserted in Part V.]

### No. 36.

10 George II. c. 32. A. D. 1737. — An Act for continuing 'An Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of his Majesty's Subjects, and for the more speedy bringing the Offenders to Justice:'  
\* \* \* \* \*  
and for the more effectual Punishment of \* \* \* \* \*  
\* \* \* \* \* Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chases, or beating or wounding Keepers or other Officers, in Forests, Chases, or Parks; and for more effectually securing the Breed of Wild-fowl.

13.

X. AND whereas by an Act of Parliament passed in the ninth Year of the Reign of her late Majesty Queen Anne, intituled, "An Act for making an Act of the fifth Year of her Majesty's Reign, for the better Preservation of the Game, perpetual, and for making the same more effec-

No. 30.  
10 George II  
c. 32.  
9 Ann. c. 25

No. 36. 'tual,' it is enacted, That if any Person between the first Day  
 10 George II. 'of July and first Day of September in any Year, shall by  
 c. 32. 'Hays, Tunnels, or other Nets, drive and take any Wild-  
 'duck, Teal, Widgeon, or any other Water-fowl, in any  
 'Places of Resort for Wild-fowl, in the moulting Season, the  
 'Offender being convicted thereof before one Justice of the  
 'Peace where the Offence shall be committed, and by the  
 'Oath of one credible Witness, shall forfeit five Shillings for  
 'every such Fowl so taken, one Moiety to the Informer, the  
 'other to the Poor of the Parish where the Offence was done,  
 'to be levied by a Warrant of the Justice of Peace before  
 'whom the Offender was convicted, by Distress and Sale of  
 'his Goods, and for Want of Distress to be committed to the  
 'House of Correction for any Time not exceeding one Month  
 'not less than fourteen Days, there to be whipt and kept to  
 'hard labour; and the Justice of the Peace shall cause such  
 'Hays and Nets to be seized and immediately destroyed in  
 'his Presence: and whereas the said Act hath been found by  
 'Experience to be ineffectual, by Reason that the Wild-fowl  
 'begin to moult before the first of July, and have not done  
 'moulting by the first of September, so that great Numbers  
 'of Wild-fowl are yearly destroyed, contrary to the true  
 'Intent and Meaning of the said Act;' therefore for Remedy  
 thereof, be it enacted by the Authority aforesaid, That if any  
 Person shall in any Year, between the first Day of June and  
 the first Day of October, by Hays, Tunnels, or other Nets,  
 drive and take any Wild-duck, Teal, Widgeon, or any other  
 Water-fowl, in any Marshes, Fens, or other Places of Resort  
 for Wild-fowl, and shall be thereof convicted in such Manner  
 as in the said Act of the ninth Year of her late Majesty Queen  
 Anne is prescribed, he shall be liable to the same Penalties, to  
 be levied in like Manner, as by Virtue of the said Act he  
 would be liable to, if such Offence was committed between  
 the first Day of July and the first Day of September, and for  
 Want of Distress be committed to the House of Correction,  
 and there punished as by the said Act is directed.

Petty on  
 King Wild-  
 Nets, in 1

[The Sections relating to hunting, and wounding Keepers are inserted  
 in Part V.]

### No. 37.

George II. c. 2. A. D. 1753.—An Act to amend an  
 Act made in the eighth Year of the Reign of his late  
 Majesty King George the First, intituled, 'An Act  
 for the better Recovery of the Penalties inflicted  
 upon Persons who destroy the Game,' by enlarging  
 the Time within which Suits and Actions are to be  
 brought by Force of the said Act.

No. 37.  
 26 Geo. II. c. 2.

HEREAS by an Act of Parliament made in the eighth  
 Year of the Reign of his late Majesty King George,

' intitled, " An Act for the better Recovery of the Penalties  
' inflicted upon Persons who destroy the Game," it is provi-  
' ded, that all Suits and Actions to be brought by Force of the  
' said Act, shall be brought before the End of the next Term  
' after the Offence committed : and whereas the Time allowed  
' by the said Act for the bringing of such Suits and Actions has  
' been found very inconvenient, and in many Cases is not  
' sufficient for the commencing of Prosecutions against Offen-  
' ders, whereby the Intent of the said Act hath been in some  
' Degree defeated ;' be it therefore enacted by the King's most  
excellent Majesty, by and with the Advice and Consent of the  
Lords Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the Authority of the same, That  
all Suits and Actions to be brought by Virtue of the said Act,  
for the Recovery of any pecuniary Penalty or Sum of Money  
for Offences, which after the twenty-fifth Day of March, one  
thousand seven hundred and fifty-three, shall be committed  
against any Law now in being for the better Preservation of  
the Game, shall and may be brought before the End of the  
second Term after the Offence committed ; any Thing in the  
said Act contained to the contrary notwithstanding.

No. 37.  
26 George II.  
c. 2.

8 Geo. 1. c.  
19. § 2.

Suits for Pen-  
alties may be  
brought before  
the End of the  
second Term.  
Altered by 2  
Geo. 3. c. 19.  
which allows  
six Months See  
2 East's Re-  
ports, 335.

No. 38.

28 George II. c. 12. A. D. 1755.—An Act to explain  
and amend a Clause in an Act made in the fifth Year  
of the Reign of Queen Anne, intituled, ' An Act  
for the better Preservation of the Game,' in Rela-  
tion to the selling or offering to Sale any Game.

' **W**HEREAS by an Act of Parliament made in the fifth  
' Year of her late Majesty Queen Anne, intituled,  
' " An Act for the better Preservation of the Game," it was  
' enacted, That if any Higlar, Chapman, Carrier, Innkeeper,  
' Victualler, or Alehousekeeper, should have in his Custody  
' or Possession, or should buy, sell, or offer to sell any Hare,  
' Pheasant, Partridge, Moor, Heath-game or Grouse, every  
' such Higlar, Chapman, Innkeeper, Victualler, Alehouse-  
' keeper, or Carrier (unless such Game in the Hands of such  
' Carrier be sent by any Person or Persons qualified to kill the  
' Game) shall, upon Conviction of such Offence, forfeit for every  
' Hare, Pheasant, Partridge, Moor, Heath-game, or Grouse, the  
' Sum of five Pounds, one half to be paid to the Informer and  
' the other to the Poor of the Parish where the Offence was com-  
' mitted : and whereas Doubts have arisen with respect to the  
' Meaning of the Word Chapman, whereby the Intent of the said  
' Act hath been in some Degree defeated ;' be it therefore en-  
acted by the King's most excellent Majesty, by and with the  
Advice and Consent of the Lords Spiritual and Temporal, and  
Commons, in this present Parliament assembled, and by the Au-

No. 38.  
28 George II.  
c. 12.  
5 Ann. c. 14.

**No. 38.** **28 George II. c. 12.** **Persons selling or exposing to Sale any Game, liable, &c.** **thority of the same, That if any Person or Persons whatsoever, whether qualified or not qualified to kill Game, shall sell, expose, or offer to Sale, any Hare, Pheasant, Partridge, Moor, Heath-game, or Grouse, every such Person or Persons shall, for every such Offence, be subject and liable to the same Forfeitures, Pains, and Penalties, as are inflicted by the said recited Act upon Higlars, Chapmen, Carriers, Innkeepers, Victuallers, or Alehousekeepers, for buying, selling, or offering of Game to Sale.**

**Game found in the House or Possession of a Poulterer, &c. deemed exposing thereof to Sale.** **II.** And be it further enacted by the Authority aforesaid, **That if any Hare, Pheasant, Partridge, Moor, Heath-game, or Grouse, shall be found in the Shop, House, or Possession of any Poulterer, Salesman, Fishmonger, Cook, or Pastry-cook, the same shall be adjudged, deemed, and taken to be an exposing thereof to Sale, within the true Intent and Meaning of this Act and the said recited Act, or any other Act; which said Forfeitures shall be recovered, and such Penalties inflicted, by such Means, and in such Manner, and from and within such Time, and shall be applied to such Uses, as are prescribed by the said recited Act, or by any other Act or Acts since made for the Preservation of the Game; any thing in the said recited Act, or any other Law or Statute to the contrary thereof in any wise notwithstanding.**

### No. 39.

**2 George III. c. 19. A. D. 1761.—An Act for the better Preservation of Game in that Part of Great Britain called England.**

**No. 39.** **2 George III. c. 19.** **No Person may take, &c. any Partridge between 12 Feb. and 1 Sept. or Pheasant between 1 Feb. and 1 Oct. or Heath-fowl between 1 Jan. and 20 Aug. or Grouse between 1 Dec. and 25 July.** **Repealed as to black and red Game, by 13 Geo. 3. c. 55. § 13.** **‘FOR the better Preservation of the Game in this Kingdom, may it please your most excellent Majesty, that it may be enacted;’ and be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Person or Persons, after the first Day of June, one thousand seven hundred and sixty-two, shall, upon any Pretence whatsoever, take, kill, destroy, carry, sell, buy, or have in his, her, or their Possession, or use any Partridge, between the twelfth Day of February and the first Day of September, in any Year; or any Pheasant, between the first Day of February and the first Day of October in any Year; or any Heath-fowl, commonly called black Game, between the first Day of January and the twentieth Day of August, in any Year; or any Grouse, commonly called red Game, between the first Day of December and the twenty-fifth of July, in any Year.**

**II.** Provided always, That nothing in this Act shall extend to any Pheasant which shall be taken in the Season allowed by this Act, and kept in any Mew or breeding Place.

III. Provided also, That nothing in this Act contained shall extend, or be construed to extend, to that Part of Great Britain called Scotland. No. 39. George III. c. 19.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall transgress this Act in any of the aforesaid Cases, and shall be lawfully convicted thereof by the Oath of one or more credible Witness or Witnesses, every such Person shall, for every Partridge, Pheasant, Heath-fowl, or Grouse, so taken, killed, destroyed, carried, sold, bought, or found in his, her, or their Possession or Use, contrary to the true Intent and Meaning of this Act, forfeit and pay the Sum of five Pounds to the Person or Persons who shall inform or sue for the same: and it shall and may be lawful to and for any Person or Persons to sue and prosecute for and recover the said Penalty of five Pounds, with full Costs of Suit, by Action of Debt, Bill, Complaint, or Information, in any of his Majesty's Courts of Record at Westminster; and in such Action or Suit, no Essoin, Wager of Law, or more than one Imparllance shall be allowed. Persons offending forfeit 5l. per Bird.

V. And whereas by an Act passed in the eighth Year of the Reign of his late Majesty King George the First, 8 Geo. 1. c. 19. intitled, "An Act for the better Recovery of the Penalties inflicted upon Persons who destroy the Game," it was enacted, that whosoever any Person shall, for any Offence to be hereafter committed against any Law now in being for the better Preservation of the Game, be liable or subject to any pecuniary Penalty or Sum of Money, upon Conviction before any Justice or Justices of the Peace, it shall and may be lawful for any other Person whatsoever, either to proceed to recover the said Penalty, by Information and Conviction, before a Justice or Justices of the Peace in such Manner as in such Law contained, or to sue for the same by Action of Debt, or on the Case, Bill, Complaint, or Information, in any of his Majesty's Courts of Record: and whereas a Moiety or Portion of the said pecuniary Penalty is, by several Acts of Parliament, directed to be applied to and for the Use of the Poor of the Parish wherein such Offence shall be committed, by reason whereof Inhabitants of the said Parish have been disallowed to give Evidence touching such Offences; and whereas Suits by Action of Debt, or on the Case, Bill, Complaint, or Information, are often attended with great Costs and Charges to the Prosecutor, by Means whereof the End or Intention of the said Act have been in a great Measure frustrated; for Remedy whereof he it enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for any Person whatsoever to sue for and recover the whole of such Penalty for his own Use, by Action of Debt, or on the Case, Bill, Complaint, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Wager of Law, or more than one Imparllance shall be allowed; and wherein the Plaintiff, if he recovers, shall have his double Costs; and that no Part of the said Penalty, reco-

Pecuniary Penalties under the said Act may be sued for to sole Use of Prosecutor, &c.

- No. 39. vered in any such Suit or Action, shall be paid or applied to or  
 2 George III. for the Use of the Poor of the Parish wherein such Offence  
 c. 19. shall be committed; any Law or Usage to the contrary notwithstanding. (1.)

Prosecution  
 within six  
 Months.

VI. Provided always, and be it enacted, That no such Action, Suit, Bill, Plaint, or Information, shall be brought or exhibited but within the Space of six Months (2.) next after the Matter or Thing done, for which the same shall be commenced or exhibited as aforesaid.

(1.) As to the Manner of laying the Offence and Right of Action to be against the Statute or Statutes, see *Lord Clanrickarde v. Stokes*, 7 E. 516, and see *Lee v. Clarke*, 2 East, 333.

(2.) This means lunar Months; but it is not necessary to aver in the Declaration, that the Action was commenced within six Months, and if alleged to be within six Calendar Months, it is no Objection; *Lee v. Clarke*, 2 East, 333.

#### No. 40.

2 George III. c. 29. A. D. 1761.—An Act to amend so much of an Act made in the first Year of the Reign of King James the First, intituled, “An Act for the better Execution of the Intent and Meaning of former Statutes made against shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hare-pipes, and tracing Hares in the Snow,” as relates to the Preservation of House Doves and Pigeons, by making the Manner of convicting such Person or Persons as shall offend therein more easy and expeditious.

No. 40.  
 2 George III.  
 c. 29.

1 Jac. 1. c. 27

“WHEREAS by an Act made in the first Year of the Reign of his Majesty King James the First, intituled, “An Act for the better Execution of the Intent and Meaning of former Statutes made against shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hare-pipes, and tracing Hares in the Snow,” it is amongst other Things therein enacted, that all and every Person and Persons who shall kill or destroy any House-dove or Pigeon, and shall be thereof convicted by the Confession of the Party, or by the Testimony of two sufficient Witnesses upon Oath, before two or more Justices of the Peace of the County, City, or Town Corporate, wherein the Offence shall be committed, or the Justices apprehended, such Justices shall commit every such Offender so apprehended, to the Common Gaol of the said County, City, or Town Corporate, where the Offence shall be committed, or the Party apprehended, there to remain for three Months without Bail or Mainprize, unless that the said Offender do or shall forthwith upon the said Conviction, pay

' or cause to be paid, to the Churchwardens of the said Parish  
 ' where the said Offence shall be committed, or the Party  
 ' apprehended, to the Use of the Poor of the said Parish, the  
 ' Sum of twenty Shillings for every House-dove or Pigeon  
 ' which every such Person or Persons so offending, and con-  
 ' victed as aforesaid, shall take, kill, or willingly destroy,  
 ' contrary to the true Purport and Meaning of that Act; or  
 ' after one Month after his Commitment, together with two  
 ' sufficient Sureties, become bound by Recognizance in the  
 ' Sum of twenty Pounds a-piece to the King's Majesty's Use,  
 ' his Heirs and Successors, with Condition that he the said  
 ' Party so offending shall not at any Time thereafter shoot at,  
 ' kill, take, or destroy any House-dove or Pigeon, by any such  
 ' Means as in the said Act are mentioned; which said Recog-  
 ' nizance shall be taken by any two or more Justices of the  
 ' Peace, of the said County, City, or Town Corporate,  
 ' where the Offender shall be so imprisoned as aforesaid, and  
 ' shall be returned to the then next Quarter Sessions, and  
 ' there to remain of Record as other Recognizances taken for  
 ' the Peace, as by the said in part recited Act, Relation for  
 ' greater Certainty being thereunto had, may more fully ap-  
 ' pear: and whereas the Method of convicting Offenders against  
 ' the above recited Act hath hitherto been found in a great  
 ' Degree ineffectual to answer the good Intentions of the said  
 ' Act; therefore for more speedy convicting and punishing  
 ' Persons who shall be guilty of the said mischievous Practice  
 ' of wilfully killing or destroying House-doves or Pigeons  
 ' belonging to other Persons, may it please your Majesty that  
 ' it may be enacted; and be it enacted by the King's most  
 ' excellent Majesty, By and with the Advice and Consent of  
 ' the Lords Spiritual and Temporal, and Commons, in this  
 ' present Parliament assembled, and by the Authority of the  
 ' same, That after the twenty-fourth Day of June, one thousand  
 ' seven hundred and sixty-two, if any Person or Persons  
 ' shall shoot at, with an Intent to kill, or shall by any Means  
 ' whatever, kill or take, with a wilful Intent to destroy, any  
 ' House-dove or Pigeon, and shall be thereof convicted by the  
 ' Confession of the Party offending, or the Oath of one or  
 ' more credible Witness or Witnesses, before one or more Jus-  
 ' tice or Justices of the Peace of the County, City, Town Cor-  
 ' porate, Division, Riding or Place (which Oath such Justice  
 ' or Justices are hereby authorized to administer) wherein any  
 ' such Offence or Offences shall be committed, or the Party or  
 ' Parties offending shall be apprehended, every Person so  
 ' offending, and who shall be convicted as aforesaid of any such  
 ' Offence, shall, for every such Offence, forfeit and pay the  
 ' Sum of twenty Shillings to the Person or Persons who shall  
 ' inform against, and prosecute to Conviction, any such Offender  
 ' or Offenders; and in case the Money so forfeited shall not be  
 ' forthwith paid on every such Conviction, it shall and may be  
 ' lawful for such Justice or Justices to commit any such Offender  
 ' or Offenders, who shall be so convicted as aforesaid, to the  
 ' common Gaol of the County, or the House of Correction in

No. 40.  
 George III.  
 c. 29;

Any Person  
 who shall wil-  
 fully shoot at or  
 destroy any  
 House-doves or  
 Pigeons belong-  
 ing to other Per-  
 sons shall for-  
 feit on Convic-  
 tion, 20s. to the  
 Prosecutor, &c.



No. 40. the Division or Place where the Party is convicted or apprehended, there to remain and be kept to hard Labour for any Time not exceeding three Calendar Months nor less than one Calendar Month, as any such Justice or Justices shall order, unless the Money forfeited shall be sooner paid.

Owners of  
Dove-cotes, &c.  
excepted.

II. Provided always, and it is hereby also enacted, That nothing in this Act contained shall be construed, deemed or taken to hinder any Owner of a Dove-cote, Pigeon-house, Pigeon-chamber or any other Place built up or erected, or to be built up or erected, for the Preservation or Breeding of Pigeons, from taking, killing or destroying, by himself, or any other Person by him appointed or authorized for that Purpose, all or any House-doves or Pigeons which shall at any Time be taken in the proper Dove-cote, Pigeon-house, Pigeon-chamber or any other Place, as aforesaid, for the Preservation or Breeding of Pigeons, of any Owner of such Dove-cote, Pigeon-house, Pigeon-chamber, or other Place.

III. Provided further, and it is hereby also enacted, That no Person who shall be convicted of any Offence against this Act, shall be liable to be convicted for any such Offence, under any former or other Act; and that no Person shall be prosecuted for any Offences against this Act, unless the Prosecution for the same shall be commenced and carried on with Effect within the Space of two Calendar Months after every such Offence shall be committed; and that where any Person shall suffer Imprisonment for Default of Payment of any Penalty imposed under this Act, such Person shall not be liable afterwards to pay such Penalty.

#### No. 41.

5 George III. c. 14. A. D. 1765. — An Act for the more effectual Protection of Fish in Fish-ponds and other Waters; and Conies in Warrens; and for preventing the Damage done to Sea Banks, within the County of Lincoln, by the breeding Conies therein.

No. 41.  
5 George III.  
c. 14.

VI. **A**ND whereas there are many thousand Acres of Land in this Kingdom altogether unfit for Cultivation, and yet the same are capable of rendering great Profit, by the breeding and maintaining Conies, as well to the Owners of such Lands as to a Multitude of industrious Manufacturers who gain their Livelihood by working up Coney Wool; and whereas a great Part of the said Land is already used as Warrens, in the breeding and maintaining Conies, but, because divers disorderly Persons, neglecting their own lawful Trades, have betaken themselves to the King, killing, and stealing of Conies in the Night-time, hereby the Owners and Occupiers of such Warrens are greatly discouraged, and many such Owners and Occupiers have been induced to destroy such Warrens, and others have been deterred from stocking other Lands, to the great Prejudice of the Manufactures of this Kingdom: and whereas the

Provisions already subsisting, have, by Experience, been found insufficient for the effectual Preservation of Conies in Warrens: for Remedy thereof, be it further enacted, That if any Person or Persons shall, from and after the first Day of June, one thousand seven hundred and sixty-five, wilfully and wrongfully, in the Night-time, enter into any Warren or Grounds lawfully used or kept for the breeding or keeping of Conies, although the same be not inclosed, and shall then and there wilfully and wrongfully take or kill, in the Night-time, any Coney, or Conies, against the Will of the Owner or Occupier thereof, or shall be aiding and assisting therein, and shall be convicted of, the same before any of his Majesty's Justices of Oyer and Terminer, or General Gaol Delivery, for the County where such Offence or Offences shall be committed; every such Person and Persons so offending, and being thereof lawfully convicted in Manner aforesaid, shall and may be transported for the Space of seven Years, or suffer such other lesser Punishment by whipping, Fine, or Imprisonment, as the Court before whom such Person or Persons shall be tried, shall, in their Discretion, award and direct.

No. 41.  
George III.  
c. 14.

Persons convicted of entering Warrens in the Night-time, and taking or killing Conies there, may be punished by Transportation, &c.

#### No. 42.

13 George III. c. 54. A. D. 1773.—An Act to explain and amend the several Laws now in being, so far as the same relate to the Preservation of the Moor or Hill Game.

**W**HEREAS the Laws now in being, relative to the Preservation of the Moor or Hill Game, have been found very insufficient to answer the Purpose for which they were intended: And whereas some further Regulations are become absolutely necessary to prevent the total Destruction of that Species of Game: May it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the twenty-fourth Day of June one thousand seven hundred and seventy-three, no Person or Persons shall, upon any Pretence whatsoever, wilfully take, kill, destroy, carry, sell, buy, or have, in his, her, or their Possession or Use, any Heath Fowl, commonly called *Black Game*, between the tenth Day of December and twentieth Day August in any Year; nor any Grouse, commonly called *Red Game*, between the tenth Day of December and the twelfth Day of August in any Year; nor any Bustard, between the first Day of March and the first Day of September in any Year.

No. 42.  
13 George III.  
c. 55.

No Person to kill black Game between, &c.

II. And be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of June,

Penalty

No. 42. if any Person or Persons shall, in any of the Cases aforesaid,  
 13 George III. offend, contrary to the true Intent and Meaning of this Act,  
 c. 55. every such Person shall, upon due Conviction, for the first Offence, forfeit and pay any Sum or Sums of Money not exceeding twenty Pounds, nor less than ten Pounds; and for the second and every subsequent Offence, any Sum or Sums of Money not exceeding thirty Pounds, nor less than twenty Pounds; to be levied and recovered in Manner as herein is after mentioned.

Forfeitures  
and Penalties.

III. And be it further enacted, That all such Forfeitures and Penalties, so to be incurred as aforesaid, shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, or Great Sessions in *Wales*, wherein no Escoff, Protection, nor Wager of Law, nor more than one Imparlance shall be allowed: Provided such Action be brought within six Calendar Months after the Matter or Thing done, for which the same shall be commenced or exhibited.

Information.

IV. And be it further enacted, That it shall and may be lawful for any Person whatsoever (except the Person liable to pay any such Forfeitures or Penalties) to proceed to recover any of the aforesaid Forfeitures and Penalties, by Information and Conviction, before any Justice or Justices of the Peace of any County, City, Corporation, Division, Riding, Precinct, or Liberty, wherein the Offence shall happen; and such Justice or Justices are hereby authorized and empowered, upon due Proof made upon Oath by one or more credible Witness or Witnesses, or by the Confession of the Party accused, to cause the said Forfeiture to be forthwith paid; and, in case of Neglect or Refusal, to levy the same by Distress and Sale of the Offender's Goods and Chattels, by Warrant under his or their Hand and Seal, or Hands and Seals, together with all Costs and Charges attending the same, returning the Overplus, if any, to the Owner; and every such Forfeiture, when paid or recovered, shall be applied, one Moiety to the Informer, and the other Moiety to the Poor of the Parish where such Offence shall have been committed; and it shall and may be lawful for such Justice or Justices to order such Offender to be detained in safe Custody until Return may be conveniently had and made to such Warrant of Distress, unless the Party so convicted shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his Appearance before him or them, on the Day appointed for the Return of the Warrant of Distress, such Day not exceeding five Days from the Time of taking such Security; which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance, or otherwise: And in case no sufficient Distress can be had, such Justice or Justices shall commit such Offender to the common Gaol, or House of Correction, there to be kept to hard Labour for any Time not exceeding six, nor less than three Calendar Months, unless the Money forfeited, and all Costs and Charges attending the Prosecution, shall be sooner paid and discharged.

V. Provided always, and be it further enacted, That no Offender against the Provisions of this Act shall be prosecuted for the same Offence both by Action of Law and by Information before a Justice of the Peace; but, in case of any second Prosecution, the Person so doubly prosecuted may plead, in his Defence, the former Prosecution pending, or the Conviction or Judgment thereupon had.

No. 42.  
George III.  
c. 55.

‘VI. And, for the more easy Conviction of Offenders against this Act,’ be it further enacted, That the Form of the Conviction shall be drawn up in the following, or like Form of Words:

Conviction

‘**B**E it remembered, that on the \_\_\_\_\_ Day of \_\_\_\_\_  
in the Year of our Lord  
‘A. B. having appeared before me, [or, us,  
one or more of his Majesty’s Justices of the  
Peace [as the Case may be] for the County of \_\_\_\_\_  
and due Proof having been made, upon Oath,  
by one or more credible Witness or Witnesses, or by Con-  
fession of the Party, [as the Case may be] is convicted of  
[specifying the Offence, with the Time and Place where the  
same was committed, and also specifying, if known, that it  
is the first, second, or any subsequent Offence against this  
Act, as the Case shall be.]  
‘Given under my Hand and Seal, [or, our Hands and  
Seals,] the Day and Year aforesaid.’

Which Conviction the said Justice or Justices shall cause to be wrote fairly upon Parchment, and returned to the next General Quarter Session of the Peace for the County where such Conviction was made, to be filed by the Clerk of the Peace, and remain and be kept among the Records of the County, Riding, Division, or Place.

VII. Provided always, and be it further enacted, that it shall and may be lawful for any Clerk of the Peace for any County, Riding, or Place, and he is hereby required, upon Application made to him by any Person or Persons for that Purpose, to cause a Copy or Copies of any Conviction or Convictions, filed by him under the Directions of this Act, to be forthwith delivered to such Person or Persons, upon Payment of one Shilling for every such Copy.

VIII. And be it further enacted, That it shall and may be lawful for any such Justice or Justices of the Peace as aforesaid, to administer an Oath to any Witness or Witnesses, or other Person or Persons, for the better Discovery and Execution of the several Matters and Things herein before directed to be examined into, or performed by such Justice or Justices respectively.

Justices may  
administer an  
Oath

IX. Provided always, and be it further enacted, That no Person shall be proceeded against for any of the Offences aforesaid, by Information before a Justice of the Peace, unless such Information shall be made upon Oath before some Justice of the

No. 42. Peace for the County or Place wherein such Offence shall be committed, within three Calendar Months after such Offence shall have been committed.

13 George III.  
c. 55.

Appeal.

X. And be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved, by any Thing done in pursuance of this Act, by any Justice or Justices of the Peace, as aforesaid, every such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County, Riding, City, Corporation, Precinct, or Liberty, wherein the Cause of such Complaint shall arise, and within four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant giving, or causing to be given, fourteen Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Justice; and every other Person or Persons, against whom such Complaint shall be made, and within four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, Riding, Division, City, Corporation, Precinct, or Liberty, with one sufficient Surety, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and every such Justice, and other Person, having received Notice of such Appeal, shall return all Proceedings had before them, touching the Matter of such Appeal, to the said Justices, at such Quarter Sessions, on Pain of forfeiting five Pounds for every such Neglect; and the said Justices, upon due Proof of the Notice given, and of the entering into such Recognizance as aforesaid, shall hear, and finally determine, the Causes and Matters of such Appeal, in a summary Way, and award such Costs to the Parties appealing or appealed against, as they shall think proper; to be levied and recovered as herein before directed for the Recovery of Forfeitures and Penalties under this Act, and the Determination of such Quarter Sessions shall be final and conclusive to all Intents and Purposes; and no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, except as herein before mentioned, into any of his Majesty's Courts of Record at Westminster, any Law or Statute to the contrary notwithstanding.

Not to extend  
to Scotland

XI. And be it further enacted, That nothing in this Act contained shall extend to that Part of Great Britain called Scotland.

Limitation of  
Actions.

XII. And be it further enacted, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any Thing which shall be done in pursuance of this Act, or in Execution of any of the Powers or Authorities hereby given, every such Action, Suit, or Information, shall be commenced or prosecuted within the Space of six Calendar Months next after the Fact committed, and shall be laid or brought in the County, Riding, Division, or Place

where the Matter shall arise, and not elsewhere; and the Defendant or Defendants in every such Action, Suit, or Information, shall and may at his or their Election, plead specially, or the General Issue, and give this Act and the special Matter in Evidence: and if a Verdict shall be given for the Defendant, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

No. 42.  
13 George III.  
c. 53.

General Issue.

Treble Costs.

XIII. And be it enacted by the Authority aforesaid, That so much of an Act passed in the second Year of his present Majesty's Reign, intituled, "An Act for the better Preservation of the Game in that Part of Great Britain called England," as relates to Heath-fowl, commonly called black Game, or Grouse, commonly called red Game, shall be and is hereby repealed.

Part of Act  
2 Geo. 3, re-  
pealed.

### No. 43.

13 George III. c. 80. A. D. 1773.—An Act to repeal an Act made in the tenth Year of the Reign of his present Majesty, intituled, "An Act for the better Preservation of the Game within that Part of Great Britain called England; and for making other Provisions in lieu thereof.

WHEREAS by an Act passed in the tenth Year of the Reign of his present Majesty, intituled, "An Act for the better Preservation of the Game in that Part of Great Britain called England," certain Penalties and Punishments were inflicted on Persons killing and destroying Game in the Night, between one Hour after Sun-set, and one Hour before Sun-rise: and whereas some Doubts have arisen concerning the Construction of some Parts of the said Act, and some Inconveniences have followed therefrom; therefore, for obviating such Doubts, and for remedying such Inconveniences, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of June, one thousand seven hundred and seventy-three, if any Person or Persons shall knowingly and wilfully kill, take or destroy any Hare, Pheasant, Partridge, Moor-game, or Heath-game, or use any Gun, Dog, Snare, &c. Net, or other Engine, with Intent to kill, take, or destroy any Hare, Pheasant, Partridge, Moor-game, or Heath-game, in the Night, that is to say, between the Hours of seven

No. 43  
13 George III.  
c. 80.  
10 Geo. 3 c. 19.

Rules to be  
observed by  
Persons killing  
Hares, &c., or  
using a Gun.



Which Conviction the said Justice shall cause to be fairly wrote over upon Parchment, and returned to the next General Quarter Sessions of the Peace for the County, Riding, or Place where such Conviction was made, to be filed by the Clerk of the Peace, and remain and be kept among the Records of the County.

No. 43.  
George III.  
c. 80.

III. Provided always, and be it further enacted by the Authority aforesaid, that it shall and may be lawful for any Clerk of the Peace for any County, Riding, or Place, and he is hereby required, upon Application made to him by any Person or Persons for that Purpose, to cause a Copy or Copies of any Conviction or Convictions filed by him under the Directions of this Act, to be forthwith delivered to such Person or Persons, upon Payment of one Shilling for every such Copy.

Clerk to deliver a Copy of Conviction, on Payment of 1s.

IV. And be it further enacted by the Authority aforesaid, That the pecuniary Penalties and Forfeitures hereby to be incurred and made payable upon any Conviction for a first and second Offence against this Act, and also for a third Offence, upon Conviction at the Quarter Sessions as aforesaid, together with the Costs and Charges previous to and attending such Conviction to be ascertained by the Justice or Justices before whom any Offender shall be convicted, shall be forthwith paid by the Person convicted, one Moiety of the Forfeiture to the Informer, and the other Moiety to the Poor of the Parish or Place where the Offence shall be committed: and in case such Person shall refuse or neglect to pay the same, or to give Security for the Payment thereof, such Justice or Justices shall, by Warrant under his or their Hand and Seal or Hands and Seals, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale, returning the Overplus (if any) to the Owner; and it shall and may be lawful for such Justice or Justices to order (1.) such Offender to be detained in safe Custody, until Return may conveniently be had and made to such Warrant of Distress, unless the Party so convicted shall give sufficient Security to the Satisfaction of such Justice or Justices, for his Appearance before the said Justice or Justices, on such Day as shall be appointed by the said Justice or Justices, for the Day of the Return of the said Warrant of Distress, such Day not exceeding seven Days from the Time of taking such Security; which Security the said Justice or Justices are hereby empowered to take by way of Recognizance, or otherwise: but if upon such Return no sufficient Distress can be had, then, and in such Case, the said Justice or Justices shall and may commit such Offender to the Common Gaol or House of Correction, of the County, Riding or Place, for the Space of three Calendar Months, unless the Money forfeited shall be sooner paid, or until such Offender, thinking him or herself aggrieved by such Conviction, shall give Notice to the Informer, that he

Penalties and Forfeitures.

(1.) This Order may be given by Parol. *Stell v. Walls*, 7 E. 593.



No. 43 or she intends to appeal to the Justices of the Peace, at the next  
 13 George III. General Quarter Sessions of the Peace, to be held for the  
 c. 80. County or Place wherein the Cause of Complaint shall arise, and shall enter into Recognizance before some Justice or Justices, with two sufficient Securities, conditioned to try such Appeal, and to abide the Order of, (2.) and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; which Notice of Appeal being not less than fourteen Days before the Trial thereof, such Person so aggrieved is hereby empowered to give; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter-Sessions shall be final, binding and conclusive, to all Intents and Purposes whatsoever.

Provisions of V. And be it further enacted, That all the Provisions of  
 to Geo. 3. c. 19 the said recited Act shall be, and are hereby declared to be  
 repealed. repealed.

Penalties for VI. And be it enacted by the Authority aforesaid, That  
 wilfully killing from and after the said twenty-fourth Day of June, one thou-  
 Game, or using sand seven hundred and seventy-three, if any Person or Per-  
 a Gun on a Sun- sons shall, upon a Sunday, or on Christmas-day, in the Day-  
 day or Christ- time, knowingly and wilfully, take, kill, or destroy any Hare,  
 mas-day. pheasant, Partridge, Heath-game or Moor-game, or shall  
 upon a Sunday or on Christmas-day, use any Gun, Dog, Net,  
 or Engine, for taking, killing or destroying any Hare, Phea-  
 sant, Partridge, Moor-game, or Heath-game; every such  
 Person being convicted thereof, in the Manner and Form pre-  
 scribed by this Act, shall be subject to the like Forfeitures and  
 Penalties as are herein-before enacted to be inflicted for other  
 Offences against this Act.

How Penal- VII. And be it further enacted, That in case any Person  
 ties for Offences shall commit an Offence against this Act, whereby a Penalty  
 committed are or Punishment is incurred, and dwells in another County than  
 to be recovered. in that in which the Offence was committed, the Justice or  
 Justices, before whom such Information or Indictment was had  
 or made, may direct his or their Warrant of Apprehension,  
 and of Distress and Sale, to any Constable within such County,  
 Riding, or Place, where the Offence was committed, to be by  
 him carried to the Justice near residing to the Place where the  
 Offender dwells in such other County, Riding or Place,  
 to be signed by him on the Back of the said Warrant, upon  
 Proof on Oath of the Hand-writing of the Justice who first  
 granted the Warrant; which Indorsement shall be sufficient  
 Authority for the Constable of such Parish or Township where  
 the Offender dwells, or where his Goods and Chattels, or Distress, are to  
 be had and found, or for such Constable who shall bring the said

(2.) The Recognizance must follow the Statute. A Recognizance to try the Appeal, and pay the Penalty, with Costs, on Affirmance, is had: *Rex v. Bellamy*, 3 Anstr. 698.

Warrant to be indorsed, to apprehend and convey such Offender before the Justice who first granted the Warrant, or any other Justice or Justices of that County where the Offence was committed, or for such Constable to levy such Penalty, by Distress and Sale, in the same Manner, and with the same Powers, as might have been done if the Person had lived in the County, Riding, or Place where the Offence was committed; and also, in case where no sufficient Distress can be had or found, to convey the Offender before the Justice who first granted the Warrant of Distress, or any other Justice or Justices of that County where the Offence was committed, to be dealt with according to Law; and the Justice of such other County who endorsed the Warrant of Distress or Apprehension, shall direct such Constable, or other Person taking and making such Distress and Sale, to deliver over any Sums of Money for Penalties arising from such Distress and Sale, to the Justice of the County who first granted the Warrant, to be by him distributed according to the Meaning of this Act; and in case such Constable or other Person shall neglect or refuse to pay such Sums of Money, or deliver over all Proceedings had upon such Distress and Sale, or Warrant of Apprehension, such Justice who first granted the Warrant, or the Justice who indorsed it, may commit such Constable or other Person so refusing or neglecting to account for the Sums of Money received, or deliver over the Proceedings so had thereupon, to the Common Gaol or House of Correction, for the Space of six Months, or until the Money shall be paid, and the Proceedings delivered over to the Justice who first granted the Warrant; or in case of his Absence or Death, to any other Justice of the same County, to be by him distributed according to the true Intent and Meaning of this Act; and that no Action of Trespass, false Imprisonment, Information, or Indictment, or other Action or Appeal shall be brought, sued, commenced, or prosecuted by any Person or Persons whatsoever, against the Justice of such other County who indorsed such Warrant, for or by Reason of his indorsing the same.

VIII. Provided always, and be it further enacted, That no Order made concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed by Writ of Certiorari, or any other Writ or Process whatsoever into any of his Majesty's Courts of Record at Westminster.

IX. Provided also, That no Person shall be proceeded against for any of the Offences against this Act as aforesaid, unless Information shall be made thereof upon Oath, before some Justice of the Peace for the County, Riding, or Place wherein such Offence shall be committed, within one Calendar Month after such Offence shall be committed.

No. 43.  
13 George III.  
c. 80.

Proceedings  
not to be quashed,  
nor removable by Certiorari.

Information  
made on Oath.

## No. 44.

16 George III. c. 30. A. D. 1776.—An Act more effectually to prevent the stealing of Deer, and to repeal several former Statutes made for the like Purpose.\*

No. 44.  
16 George III

Altered and  
in part repealed  
by 43 Geo. 3.  
c. 167.

Penalty on  
any who shall  
hunt, &c. any  
Fallow-deer, in  
any Forest, &c.

**W**HEREAS the Statutes now in force for the Discovery and Punishment of Deer-stealers are numerous, and many of them ineffectual; and whereas the good Purpose thereby intended might be better effected, if such of the said Statutes as are found to be defective were repealed, and such good Provisions as are therein contained, together with such further Provisions as may be expedient, were reduced into one Act; be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall course or hunt, or shall take in any Slip, Noose, Toyle, or Snare, or shall kill, wound, or destroy, or shall shoot at, or otherwise attempt to kill, wound or destroy, or shall carry away, any red or fallow Deer, in any Forest, Chase, Purlieu, or ancient Walk, whether inclosed or not, or in any inclosed Park, Paddock, Wood, or other inclosed Ground, where Deer are, have been, or shall be usually kept, without the Consent of the Owner, or without being otherwise duly authorised, or shall be aiding, abetting, or assisting therein or thereunto, every Person so offending, by coursing, hunting, shooting at, or otherwise attempting to kill, wound, or destroy, or by aiding therein or thereunto, shall forfeit, for every such Offence the Sum of twenty Pounds; and every Person so offending by killing, wounding or destroying, or by taking in any Slip, Noose, Toyle, or Snare, or by carrying away, or by aiding therein respectively, shall, for every Deer so wounded, killed, destroyed, taken, or carried away, forfeit and pay the Sum of thirty Pounds, and if the Offender in any of the Cases aforesaid, shall be a Keeper of, or Person in any Manner entrusted with the Custody or Care of Deer, in the Forest, Chase, Purlieu, ancient Walk, or inclosed Park, Paddock, or Wood, or other inclosed Place, where the Offence shall be committed, every such Offender shall forfeit and pay double the Penalty hereinbefore appointed to be paid by other Offenders; and if any Person or Persons, after having been convicted of any of the aforesaid Offences, shall offend a second Time against this Act, by committing any of the aforesaid Offences, such second

\* At the Summer Assize for Hertford, 1783, one Davies was indicted and tried "for hunting and killing a Fallow Deer, in an inclosed Park," on 3 Geo. I. c. 22. Though the Prisoner was convicted, yet a Question was reserved for the Opinion of the twelve Judges, whether that Act was not *virtually* repealed by 16 Geo. III. c. 30. The Judges decided that it was; in consequence of which the Defendant, at the ensuing Assizes, was discharged. 2 East's Pl. C. 4609

Offence, whether it be the same as the first Offence, or be any other of the aforesaid Offences, shall be deemed and adjudged to be Felony, and the Person guilty thereof, being lawfully convicted upon Indictment, shall be transported to one of his Majesty's Plantations in America, for the Space of seven Years.

No. 44.  
16 George III.  
c. 30.

II. And be it further enacted, That every Person who hath been, or before the Commencement of this Act, shall be convicted under any Statute now in force, for unlawfully hunting, coursing, killing, taking, or carrying away any Deer out of any Forest, Chase, Purlieu, ancient Walk, Park, Paddock, Wood, or inclosed Ground, shall be subject and liable to the several Pains and Penalties by such Statute provided, in like Manner as if this Act had not been made; and in case any such Offender shall, after the Commencement of this Act, be guilty and convicted of any of the aforesaid Offences against this Act, (the legal Proof of such first or former Conviction having been first made), every such Person shall be deemed and adjudged to have committed a second Offence against this Act, in like Manner as if this Act had been in force at the Time of such first Conviction, and as if such Conviction had been made under the Provisions of this Act.

Persons convicted under former Act, still liable to Penalties, &c.

III. And, to the Intent that the Prosecution of Persons who shall offend a second Time in Manner aforesaid, may be carried on with as little Expense and Trouble as is possible, be it further enacted, That the Justice before whom any Person shall, after the Commencement of this Act, be convicted for the first Time of any of the Offences before described, shall transmit such Conviction, under his Hand and Seal, to the Quarter Session which next after such Conviction shall be holden for the County, Riding, Division, City, Town, or Place wherein such first Offence shall be committed, there to be filed by the Clerk of the Peace, and to be kept amongst the Records of the Peace; and such Conviction so filed, or a true Copy thereof, certified and subscribed by such Clerk of the Peace, shall be sufficient Evidence to prove the Conviction of such first Offence as aforesaid.

How Justices to proceed.

IV. And be it further enacted, That it shall be lawful for any one Justice of the Peace, upon Complaint made to him on Oath, by any credible Persons, that there is Reason to suspect any Person or Persons of having in his, her, or their Custody or Possession, or in any Dwellinghouse, Outhouse, Yard, Garden, or Place, any red or Fallow-deer, which shall have been unlawfully killed, or the Head, Skin, or other Part thereof, or any Slip, Noose, Toyle, Snare, or other Engine for the unlawful taking of Deer, by Warrant under his Hand and Seal, to cause such Person and Persons, and such Dwellinghouse, Outhouse, Garden, or Place, to be searched; and if any red or Fallow-deer suspected to have been unlawfully killed, or the Head, Skin, or other Part thereof, or any Slip, Noose, Toyle, Snare, or other Engine, suspected to be used for the unlawful taking or killing of Deer, shall be found in his,

Justices may grant Warrants to search.

No. 4 l. her, or their Custody or Possession, or in such Dwellinghouse,  
 16 George III. Outhouse, Garden, or Place, to cause the same, and such  
 c. 30. Person or Persons so having Possession, or in whose Dwelling-  
 house, Outhouse, Garden, or other Place the same shall be  
 found, to be brought before any Justice of the Peace having  
 Jurisdiction; and if such Person or Persons shall not produce  
 before such Justice the Party of whom he, she, or they  
 received the same, or satisfy such Justice that he, she, or they  
 came lawfully by such Deer, or the Head, Skin, or other Part  
 thereof, or had a lawful Occasion for such Slip, Noose, Toyle,  
 Snare, or other Engine, or did not keep the same for any un-  
 lawful Purpose, then every such Person shall forfeit any Sum  
 not exceeding thirty Pounds nor less than ten Pounds, at the  
 Discretion of such Justice.

In case Per-  
 sons cannot be  
 convicted, how  
 Justices to pro-  
 ceed.

V. And be it further enacted, That if any red or fallow  
 Deer, suspected to have been unlawfully killed, or the Head,  
 Skin, or other Part of such Deer, shall, on a Search under a  
 Warrant from any Justice of the Peace, be found in the Pos-  
 session or Custody of any Person or Persons, or in any Dwel-  
 linghouse, Outhouse, Garden, or other Place, or shall be  
 proved to have been in the Possession, House, Outhouse, Gar-  
 den or Place of any Person or Persons who may be justly  
 suspected to have come dishonestly or unlawfully by the same  
 as aforesaid; and such Person or Persons so in Possession, or  
 the Owner or Occupier of such Dwellinghouse, Outhouse,  
 Garden, or other Place, shall not, under the Provisions afore-  
 said, be liable to Conviction; then, and in every such Case,  
 for the Discovery of the Party or Parties who actually killed or  
 stole such Deer, it shall and may be lawful to and for any Justice  
 of the Peace having Jurisdiction, as the Evidence given and  
 the Circumstances of the Case shall require, to summon before  
 him, at his Discretion, every Person through whose Hands  
 such Deer, or the Head, Skin, or other Part thereof, so found,  
 shall appear to have passed; and if the Person or Persons  
 from whom such Deer, or the Head, Skin, or other Part  
 thereof shall appear to have been first received, or who,  
 having had Possession thereof, shall not give Proof, to the  
 Satisfaction of such Justice, that he, she, or they came lawfully  
 by the same, such Person or Persons shall, on every Con-  
 viction, forfeit and pay any Sum not exceeding thirty Pounds, nor  
 less than ten Pounds, at the Discretion of such Justice.

Suspected  
 Persons, &c.

VI. And be it further enacted, That in case it shall  
 appear, on the Oath of a credible Witness, that any Person  
 or Persons hath or have had in his, her or their Possession,  
 House, Out-house, Garden, or Place, any red or fallow  
 Deer, or the Skin, Head, or other Part thereof, and shall  
 be reasonably suspected to have come dishonestly or unlawfully  
 thereby, then, and in every such Case, every such Person  
 or Persons, and all other Persons through whose Hands the  
 same shall appear to have passed under the like Suspicion,  
 shall and may be proceeded against in like Manner and Form,  
 and on Conviction shall be subject and liable to the same

Penalty or Penalties, as if such Deer, or the Head, Skin, No. 44.  
or other Part thereof, had been found in the Possession, 16 George III.  
House, Outhouse, Garden, or Place of such Person or Per- c. 30.  
sons, upon a Search made under and by Virtue of any such  
Warrant as aforesaid.

VII. And be it further enacted, That in case any Person Penalty on  
or Persons shall set, lay, or use any Net, Wire, Slip, Noose, setting Nets,  
Toyle, or other Engine, for the Purpose of taking or killing, &c.  
Deer, within or upon any Forest, Chace, Purlieu, or ancient  
Walk, or in the Ring or outer Fence or Bank dividing the  
same from the adjoining Lands; or in any inclosed Park, Pad-  
dock, Wood, or Ground, where Deer are, have been, or  
shall be usually kept, such Person or Persons, not being the  
Owner of such Forest, Chase, Purlieu, ancient Walk, Park,  
Paddock, Wood, or Ground, or entrusted with the Care of  
the Deer within the same, and shall be convicted of any of  
such Offences, every such Offender shall forfeit and pay, for  
the first Offence, any Sum not exceeding ten Pounds nor less  
than five Pounds; and if afterwards convicted of any of the  
Offences last mentioned, shall, on every Conviction after the  
first, forfeit and pay any Sum not exceeding twenty Pounds nor  
less than ten Pounds; which said respective Forfeitures shall  
be set at the Discretion of the Justice or Justices before whom  
the Offender or Offenders shall be convicted of such first or  
further Offence.

VIII. And be it further enacted, That if any Person or Penalty on  
Persons shall at any Time wilfully pull down or destroy, or pulling down  
cause to be wilfully pulled down or destroyed, the Pale or Pales, Pales, &c.  
or any Part of the Walls of any Forest, Chace, Purlieu, ancient  
Walk, Park, Paddock, Wood, or other Ground, where any  
red or Fallow Deer shall be then kept, without the Consent of  
the Owner or Person chiefly entrusted with the Custody thereof,  
or being otherwise duly authorised, every Person so offending  
shall be subject unto the Forfeiture and Penalty hereby inflicted  
for the first Offence of killing of any Deer.

IX. And be it further enacted, That if any Person or Penalty on  
Persons carrying any Gun or other Fire-arms, or any Sword, carrying Fire-  
Staff, or other offensive Weapon, shall come into any Forest, arms, &c.  
Chace, Purlieu, or ancient Walk, or into any inclosed Park,  
Paddock, Wood, or into any other Ground where Deer are  
usually kept, be the same inclosed or not inclosed, with an  
Intent unlawfully to shoot at, course, or hunt, or to take in any  
Slip, Noose, Toyle, Snare, or other Engine, or to kill, wound,  
destroy, or take away any red or Fallow Deer, it shall be  
lawful for every Ranger or Keeper, or Person entrusted with  
the Care of such Deer, to seize and take from such Person and  
Persons, in and upon such Forest, Chase, Purlieu, ancient  
Walk, Park, Paddock, Wood, or other Ground, to and for  
the Use of the Owner thereof respectively, all such Guns,  
Fire-arms, Slips, Nooses, Toyles, Snares, or other Engines,  
and all Dogs there brought for coursing Deer, in the same and  
like Manner as the Gamekeepers of Manors are impowered

No. 44. by Law, within their respective Manors, to seize and take  
 16 George III. Dogs, Nets, or other Engines, in the Custody of Persons not  
 c. 39. qualified by the Laws to keep the same, and if any such Person or Persons shall there unlawfully beat or wound any Ranger or Keeper, or his or their Servants or Assistants, in the Execution of his or their Office or Offices, or shall attempt to rescue any Person in the lawful Custody of any such Ranger, Keeper, Servant, or Assistant, every Person so offending shall be deemed and adjudged to be guilty of Felony, and on being lawfully convicted on Indictment, shall be transported to one of his Majesty's Plantations in America, for the Space of seven Years.

How Justices  
 to proceed on  
 Information of  
 Offences.

X. And be it further enacted, That, upon Complaint or Information upon Oath, of any one or more credible Witness or Witnesses, before any one Justice of the Peace having Jurisdiction, of any Offence committed against this Act, it shall and may be lawful to and for such Justice (except in such Cases only where the Justice is specially directed previously to summon the Party before him) to cause the Person or Persons who shall be charged by such Complaint or Information, to be apprehended by Warrant under the Hand and Seal of such Justice, and to be brought before him at such Time and Place as shall be specified in and by such Warrant, and thereupon such Justice shall and may proceed to hear the Matter of such Complaint or Information, and to adjudge and determine the same; and in such Case where it is provided by this Act that the Party complained of shall be summoned to appear, if the Party so summoned shall not appear according to such Summons, then, upon due Proof made of the Service of such Summons, either personally or by leaving the same at his Dwellinghouse, Lodgings, or other usual Place of Abode, it shall be lawful for the Justice, before whom the Party was so summoned to appear, to apprehend such Party by Warrant, and to proceed as if no previous Summons had been directed by this Act.

Penalties.

XI. And be it further enacted, That all the pecuniary Penalties of this Act shall be recoverable before one or more Justice or Justices of the Peace for the County or other Division in which the Offence shall be committed, on Proof of the Offence, by the Oath of one or more credible Witness or Witnesses, or on Confession of the Offender; and one Moiety of each Penalty shall belong to the King's Majesty, his Heirs and Successors, and be paid, for his and their Use, into the Hands of such Person or Persons as the said Justice or Justices shall direct, and the other Moiety thereof shall belong and be paid to the Informer or Informers prosecuting for the same; and in case of Non-payment thereof, with the Charges incident to the Conviction, immediately upon the Conviction, the said Penalty or Penalties, and the Charges incident, shall be levied by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal or Hands and Seals of the Justice or Justices before whom such Conviction shall be

made, and for Want of sufficient Distress, the Offender or Offenders, except in such Cases only where it is otherwise provided by this Act, shall be sent by the said Justice or Justices to the Common Gaol of the County or Place where the Offence shall be committed, for the Space of one whole Year, without Bail or Mainprize, unless the said Penalty and Charges incident shall be sooner paid.

No. 44.  
16 George III.  
c. 30.

'XII. And to the End that Persons convicted of any of the Offences for which pecuniary Penalties are inflicted by this Act, may not, by Flight or Removal after Conviction, evade Imprisonment where such Penalties shall not be paid on Conviction, and sufficient Distress cannot be found for raising such Penalties,' be it further enacted, That it shall and may be lawful for the Justice or Justices of the Peace, before whom any Offender shall be convicted of having incurred any pecuniary Penalty of this Act, immediately after such Conviction, to order him or her into Custody, in case he or she shall not immediately pay the Penalty due on such Conviction, during such Time, not exceeding three Days, as such Justice or Justices shall think proper to allow for Return of the Warrant for raising the Penalty by Distress and Sale as aforesaid.

XIII. Provided always, That if it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Party convicted or otherwise, that such Party hath not Goods or Chattels sufficient whereon to levy the Penalty or Penalties so due, then, and in such Case, the said Justice or Justices shall and may, without issuing any Warrant of Distress, proceed to commit the Party so convicted, as if a Warrant of Distress had been issued; and a *Nulla bona* returned thereon.

Proviso.

XIV. Provided also, That if any Person, committed for any first Offence against this Act, shall, before his Commitment to Prison, procure Security to be given by two sufficient Sureties, to the Satisfaction of the Justice or Justices before whom he shall be so convicted, for Payment of the Penalty or Penalties incurred, with the Charges incident, within six Days, inclusive of the Day of Conviction, then, and in such Case, it shall be lawful for such Justice or Justices to accept such Security, and upon Non-payment thereof at the Time to be stipulated for that Purpose, to cause the Party convicted, and his said Sureties, to be apprehended by Warrant under his or their Hand and Seal, or Hands and Seals, and them to commit to the Common Gaol of the County or Place where the Offence was committed, for such Space of Time as the Party convicted was subject and liable to have been imprisoned, in case no such Security had been given, unless the Penalty or Charges shall be sooner paid.

Regulations  
where Security  
is given.

XV. And be it further enacted, that it shall and may be lawful for any Keeper or under Keeper of any Forest, Chace, Park, or other Ground inclosed, where Deer are, have been, or shall be usually kept,

Keeper may  
apprehend Per-  
sons, &c.



**No. 44.** and their Servants or Assistants, to seize and apprehend, upon the Spot, any Person or Persons whom they shall discover in the actual Fact of hunting, coursing, killing, wounding, shooting at, taking, destroying, or carrying away, any Red or Fallow Deer from any such Forest, Chase, Purlieu, or ancient Walk, whether inclosed or not, or in any inclosed Park, Paddock, Wood, or in any other inclosed Ground, or attempting so to do; or in setting or laying any Net, Wire, Slip, Noose, Toyle, Snare, or other Engine therein, for the taking, killing, or destroying of Deer therein, and to carry such Offender or Offenders before some neighbouring Justice of the Peace having Jurisdiction, to be dealt with according to Law.

Offenders  
committed may  
be enlarged.

**XVI.** And be it further enacted, That in case any Offender, for his first Offence against this Act, shall, for Want of a sufficient Distress, be committed to Gaol, and shall, whilst in Gaol, obtain the Consent in Writing of the Prosecutor, and also of the Owner, Ranger, Forester, Keeper, or other Person chiefly entrusted with the Care of the Deer in the Forest, Chase, Purlieu, ancient Walk, Park, Paddock, or Place wherein the Offence was committed, for his Enlargement; that then, and in every such Case, it shall and may be lawful to and for the Justices of the Peace having Jurisdiction, at their General or Quarter Sessions, to cause such Offender to be brought before them, and thereupon by their Order to direct the Keeper of such Gaol to set such Offender at Liberty; and the said Keeper is hereby directed to obey such Order accordingly; any Thing herein-before contained to the contrary notwithstanding.

Discovery, &c.

**XVII.** And for the better Discovery of Offenders against this Act, be it further enacted, That any Person who shall offend against this Act, and shall make Discovery of any other Person or Persons who hath or have offended against the same, so as he, she, or they be duly convicted of such Offence, according to this Act; then and in such Case, such Discoverer shall be discharged of all the Forfeitures and Penalties of this Act, by him, her, or them incurred previous to such Discovery.

How Justices  
to proceed for  
Conviction of  
Offenders.

**XVIII.** And, in order to prevent the quashing of Convictions of Offenders against this Act for want of Form, be it further enacted, That the Conviction and Convictions of all and every Offenders against this Act shall be certified by the Justice or Justices of the Peace before whom the same shall be made, to the next General Quarter Sessions of the Peace, to be filed amongst the Records of the said Sessions; and that such Conviction shall be fairly written on Parchment or Paper in the following Form of Words, as the Case shall happen, or in any other Form of Words to the like Effect; that is to say, (to wit);

Form of  
Conviction.

**B**E it remembered, that on the  
in the Year

Day of  
A. B. was,

'upon the Complaint of C. D. convicted before  
 ' of the Justices of the Peace for  
 ' in pursuance of an Act passed in the  
 ' Year of the Reign of his Majesty King George the  
 ' Third, for [as the Case shall be.]  
 ' Given under Hand and Seal, the Day and Year  
 [above written.]

No. 44.  
 16. George III.  
 c. 30.

Which said Conviction shall be good and effectual in Law to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient, for Want of any Form or Words whatsoever.

XIX. And be it further enacted, That no Certiorari shall be allowed to remove any Conviction made, or other Proceedings, of, for, or concerning any Matter or Thing in this Act, unless the Party or Parties convicted shall, before the Allowance of such Certiorari, become bound to the Person or Persons prosecuting, in the Sum of one hundred Pounds, with sufficient Sureties, as the Justice or Justices of the Peace before whom the Offender was convicted, with Condition to pay unto the said Prosecutors, within thirty Days after such Conviction confirmed on a Procedendo granted, their full Costs and Damages, to be ascertained upon their Oaths; and shall become also bound to the Justice or Justices of the Peace before whom such Conviction was made, with such sufficient Sureties as such Justice or Justices shall approve of, in the Penalty of Sixty Pounds for each Offence, with Condition to prosecute such Writ of Certiorari with Effect, and to pay such Justice or Justices the Forfeitures due by such Conviction, to be distributed as by this Act is directed; or to render the Person or Persons convicted to such Justice or Justices, within thirty Days next after such Conviction shall be confirmed, or a Procedendo granted; and that in Default thereof, it shall be lawful to proceed to levy the Penalty mentioned in such Conviction, in such Manner as if no such Certiorari had been awarded.

Certiorari not  
 allowed, unless  
 &c.

XX. And be it further enacted, That after the Confirmation of any Conviction or Convictions upon this Act, by any of the superior Courts at Westminster, and delivering the Rule to the said Justice or Justices, whereby such Conviction or Convictions hath or have been so confirmed, it shall and may be lawful for such Justice or Justices to proceed against the Party or Parties convicted, in the same Manner as if a Procedendo had been granted.

Confirmation  
 of Convictions.

XXI. Provided always, and it is hereby declared and enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by the Judgment or Determination of any Justice or Justices of the Peace, upon Conviction of or for any of the Offences in this Act, and shall not have sought his Remedy by removing the Matter by Certiorari as aforesaid, such Person or Persons may appeal from the Judgment of the said Justice or Justices, to the General or Quarter Sessions of the Peace, to be held for the said County, Division, or Place

Appeal.

No. 44. where such Person or Persons was or were convicted, next  
 16 George III. after the Expiration of twenty Days from the Time of such  
 c. 30. Conviction; but the Person or Persons so appealing shall, and he, she, and they are hereby required and directed to give at least six Days' Notice in Writing, to the Prosecutor or Prosecutors of such Person or Persons as shall so appeal, of such his, her, or their Intention of bringing and prosecuting such Appeal, and of the Matter thereof, and shall enter into Recognizance before some Justice or Justices of the Peace for the County, Division, or Place wherein the Conviction or Judgment was made or given, with two sufficient Sureties, to be approved by the said Justice or Justices, on Conviction, to appear and try such Appeal at the General or Quarter Session which shall be held in and for the County, Division, or Place wherein such Conviction or Judgment was made or given, next and immediately after the Expiration of ten Days from the Time of such Conviction, and to abide by the Order or Determination of such Court, and for Payment of such Costs and Charges as shall be awarded at the said Court; and every such Appeal and Appeals shall, by the Court at the said General or Quarter Sessions, to which such Appeal or Appeals is or are made, be then examined, and the Facts and Circumstances of the Case fully inquired into, and the Matter then finally heard and determined; and in case such Judgment, Determination, or Conviction as aforesaid, shall be then and there affirmed, the Party appealing shall pay unto the Prosecutor or Prosecutors, his, her, or their full Costs, to be ascertained by Order of the said Court of General or Quarter Sessions.

XXII. Provided also, that in case any Person or Persons, thinking him, her, or themselves aggrieved as aforesaid, shall have paid the Penalty inflicted by this Act for the Offence of which he, she, or they shall have been convicted, or shall be then imprisoned; every such Person or Persons, having so paid or being so imprisoned, may appeal to such Judgment, Order, Determination, or Conviction as aforesaid, on entering into Recognizance, by himself, herself, or themselves only, and without any Surety or Sureties, conditioned as before mentioned, the said Penalty remaining in the Hands of such Justice or Justices, or such Person or Persons continuing in Prison in the mean Time, and until the Merits of the said Appeal shall be heard and finally determined.

Proceedings  
 not to be  
 quashed, &c.

XXIII. Provided also, That no such Conviction made, or Judgment given as aforesaid, shall be set aside by the said Court of General or Quarter Sessions, for Want of Form, or for Want of stating, or through the misstating of any Facts, Circumstances, or Matter whatsoever, in case the Facts adjudged in the said Conviction, or on which the same shall be grounded, shall be proved to the Satisfaction of the said Court; but such Appeal and Appeals shall be decided on the Merits of the Case only; nor shall such Conviction or Judgment be removed or removeable by Certiorari, or any other Writ or

Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding. No. 44. 16 George III. c. 30.

XXIV. Provided also, and be it enacted, That if any Person or Persons shall be sued or prosecuted for any Matter or Thing which he or they shall do in pursuance of this Act, it shall and may be lawful to and for the Person or Persons so sued or prosecuted to plead the General Issue, and give the Special Matter in Evidence; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or suffer a Discontinuance; or if upon a Demurrer Judgment shall be given against the Plaintiff, the Defendant shall have and recover his Treble Costs, and have the like Remedy for the same as any Defendant hath in any other Case by Law. General Issue. Treble Costs.

XXV. And be it further enacted, That every Prosecution for any Offence against this Act, shall be commenced within twelve Calendar Months, but not after, from the Time of the Offence committed; and that such Persons as shall be prosecuted under this Act for any of the Offences aforesaid, shall not be liable to Prosecution for the same Offences under any other Act of Parliament, or in any Court of Attachment, Swaimote, Eyre, or any Forest Court. Prosecutions within twelve Months.

XXVI. And be it further enacted, That all Actions, Writs, and Prosecutions, to be commenced against any Person or Persons for any Thing to be done under or in pursuance of this Act, shall be laid and tried in the County or Place where the Fact was committed, and shall be commenced within six Calendar Months after the Fact committed, and not otherwise. Limitation of Actions.

XXVII. And be it further enacted, That this Act shall commence and begin to be in force on the tenth Day of June, in the Year of our Lord one thousand seven hundred and seventy-six: And from and immediately after the Commencement thereof, so much of the thirteenth Chapter of the first Part of the Statutes made in the thirteenth Year of the Reign of Richard the Second, as inflicts a Penalty on those who shall use Heys, Nets, or other Engines, for destroying Deer; so much of the eleventh Chapter of the Statutes made in the nineteenth Year of the Reign of King Henry the Seventh, as relates to Deer; and also so much of an Act, made in the fifth Year of the Reign of Queen Elizabeth, intituled, 'An Act for punishing of unlawful taking Fish, Deer, or Hawks,' as relates to Deer; and also so much of an Act, made in the third Year of the Reign of King James the First, intituled, 'An Act against unlawful hunting and stealing of Deer and Conies,' as relates to Deer; and also so much of an Act, made in the seventh year of the Reign of the said King James the First, intituled, 'An Act for the Explanation of one Statute made in the second Session of this present Parliament,' intituled, 'An Act against unlawful hunting, and stealing of Deer and Conies,' as relates to Deer, except such Part thereof as repeals any Part of the Statutes of the third of James before-mentioned; and also an Act, made in the thirteenth Year of Commence-ment of this Act. Parts of various Statutes repealed. 13 Rich. 2. 19 Hen. 7. 5 Eliz. 3 Jac. 1. 7 Jac.

- No. 44. the Reign of King Charles the Second, intituled, 'An Act to  
 16 George III. prevent the unlawful coursing, hunting, or killing of Deer;'  
 c. 30. as also an Act, made in the third and fourth Years of the  
 13 Car. Reign of their late Majesties King William and Queen Mary,  
 intituled, 'An Act for the more effectual Discovery and Pun-  
 5 Geo. 1. ishment of Deer Stealers;' and also an Act, made in the fifth  
 3 & 4 W. & M. Year of the Reign of his late Majesty King George the First,  
 intituled, 'An Act for making more effectual an Act of the third  
 and fourth Years of the Reign of King William and Queen Mary,  
 intituled, "An Act for the more effectual Discovery and Punish-  
 ment of Deer Stealers;" and also so much of an Act, made in the  
 tenth Year of the Reign of his late Majesty King George the Se-  
 10 Geo. 2. cond, intituled, 'An Act for continuing an Act for the more effec-  
 tual punishing wicked and evil-disposed Persons going armed in  
 Disguise, and doing Injuries and Violence to the Persons and  
 Properties of his Majesty's Subjects, and for the more speedy  
 bringing the Offenders to Justice; and for the continuing two  
 Clauses to prevent the cutting or breaking down the Bank of  
 any River or Sea Bank, and to prevent the malicious cutting  
 of Hop Binds, contained in an Act, passed in the sixth Year of  
 his present Majesty's Reign; and for the more effectual Punish-  
 ment of Persons removing any Materials used for securing  
 Marsh or Sea Walls or Banks, and of Persons maliciously set-  
 ting on fire any Mine, Pit, or Delph of Coal or Cannel Coal,  
 and of Persons unlawfully hunting or taking any red or Fallow  
 Deer in Forests or Chaces, or beating or wounding Keepers or  
 other Officers in Forests, Chaces, or Parks; and for the more  
 effectually securing the Breed of Wild Fowl;' as relates to the  
 second Conviction of any Person or Persons for unlawfully  
 coursing, hunting, taking in Toyles, killing, wounding, or  
 taking away any red or Fallow Deer, in any open or uninclo-  
 sed Forest or Chace, or relates to beating or wounding Keepers  
 or other Officers in Forests, Chaces, or Parks; shall be and  
 the same are hereby respectively repealed.

XXVIII. Provided always, and be it further enacted,  
 That nothing contained in this Act shall extend to that Part of  
 Great Britain called Scotland.

#### No. 45.

- 39 Geo. III. c. 34. A. D. 1799. — An Act for repealing  
 two Acts, passed in the thirty-sixth Year of the  
 Reign of his present Majesty, which limit the Time  
 for killing Partridges in England and Scotland; and  
 for amending so much of an Act, passed in the  
 second Year of the Reign of his present Majesty,  
 as relates to such Limitation within that Part of  
 Great Britain called England, by making other pro-  
 visions for that Purpose.

#### No. 45.

- George III. c. 34. WHEREAS by an Act passed in the second Year of the  
 Reign of his present Majesty, intituled, 'An Act

' for the better Preservation of the Game in that Part of Great Britain called England;" it was amongst other Things <sup>No. 45.</sup>  
 ' enacted, that no Person or Persons, after the first Day of June <sup>39 George III.</sup>  
 ' one thousand seven hundred and sixty-two, should, upon any <sup>c. 34.</sup>  
 ' Pretence whatsoever, take, kill, destroy, carry, sell, buy,  
 ' or have in his, her, or their Possession or Use, any Partridge,  
 ' between the twelfth Day of February and the first Day of  
 ' September, in any Year, under the Penalty therein men-  
 ' tioned: and whereas by another Act passed in the thirty-  
 ' sixth Year of the Reign of his present Majesty, for amending <sup>36 George III.</sup>  
 ' the said last-mentioned Act, the said Restriction was re- <sup>c. 39.</sup>  
 ' pealed; and it was enacted, that, from and after the Passing  
 ' of the said Act, no Person or Persons should, on any Pre-  
 ' tence whatsoever, take, kill, destroy, carry, sell, buy, or  
 ' have in his, her, or their Possession or Use, any Partridge,  
 ' between the twelfth Day of February and the fourteenth Day  
 ' of September, in any Year, under the same Penalty as by  
 ' the said last-mentioned Act is imposed: and whereas by an  
 ' Act passed in the thirteenth Year of the Reign of his pre-  
 ' sent Majesty, intituled, " An Act for the more effectual <sup>13 Geo. III</sup>  
 ' Preservation of the Game in that Part of Great Britain called <sup>c. 54.</sup>  
 ' Scotland, and for repealing and amending several of the  
 ' Laws now in being relative thereto;" it was amongst other  
 ' Things enacted, that every Person who should wilfully take,  
 ' kill, destroy, carry, sell, buy, or have in his or her Posses-  
 ' sion or Use, any Partridge, between the first Day of Feb-  
 ' ruary and the first Day of September, in any Year, should be  
 ' liable to the Penalty therein mentioned: and whereas by an- <sup>and 36 Geo III</sup>  
 ' other Act, passed in the thirty-sixth Year of the Reign of his <sup>c. 54. recited.</sup>  
 ' present Majesty, for amending the said last-mentioned Act,  
 ' the said Restriction was repealed; and it was enacted, that  
 ' from and after the passing of the said Act, every Person who  
 ' should wilfully take, kill, destroy, carry, sell, buy, or have  
 ' in his or her Possession or Use, within that Part of Great  
 ' Britain called Scotland, any Partridge between the first Day  
 ' of February and the fourteenth Day of September, in any Year,  
 ' should be liable to the same Penalties and Forfeitures as by  
 ' the said last-mentioned Act are imposed: and whereas it is ex-  
 ' pedient that the said Acts passed in the thirty-sixth Year of the  
 ' Reign of his present Majesty should be repealed, and that the <sup>36 Geo. III.</sup>  
 ' said Act of the second Year of his present Majesty should be <sup>c. 39, 54, re-</sup>  
 ' amended, so far as respects the Time so therein limited, <sup>pealed.</sup>  
 ' within that Part of Great Britain called England, by making  
 ' other Provisions for that Purpose; may it therefore please  
 ' your Majesty that it may be enacted; and be it enacted by  
 the King's most excellent Majesty, by and with the Advice  
 and Consent of the Lords Spiritual and Temporal, and Com-  
 mons, in this present Parliament assembled, and by the Author-  
 ity of the same, That from and after the passing of this Act,  
 the said recited Acts, passed in the thirty-sixth Year of the  
 Reign of his present Majesty, shall be, and the same are  
 hereby declared to be repealed.

No. 45. II. And be it further enacted, That from and after the passing of this Act, so much of the said recited Act, passed in the second Year of the Reign of his present Majesty, as relates to the taking, killing, destroying, using, or having any Partridge, between the twelfth Day of February and the first Day of September, in any Year, shall be, and the same is hereby declared to be repealed.

III. And be it further enacted, That from and after the passing of this Act, no Person or Persons shall, on any Pre-  
 tence whatsoever, take, kill, destroy, carry, sell, buy, or have, in his, her, or their Possession or Use, any Partridge within the Kingdom of Great Britain, between the first Day of February and the first Day of September, in any Year; and if any Person or Persons shall transgress this Act in the Case aforesaid, every such Person shall be liable to the same Penalty as, by the said Act of the second Year of the Reign of his present Majesty, is laid and imposed on any Person or Persons transgressing the same; such Penalty to be imposed, inflicted, recovered, applied, and disposed of, in such and the same Manner, and under such and the same Rules, Regulations, and Restrictions, as in and by the said Act is provided and directed with respect to the Penalty thereby imposed on Persons transgressing the said Act.

Persons taking, &c any Partridge between Feb. 1 and Sept. 1, liable to Penalties of 2 Geo. III. c. 19.

#### No. 46.

39 and 40 George III. c. 50. A. D. 1800. — An Act to extend the Provisions of an Act made in the seventeenth Year of the Reign of King George the Second, intituled, "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction."

No. 46. **W**HEREAS idle and disorderly Persons frequently assemble and associate themselves to support and assist each other in the Destruction of Game in the Night, and are, if interrupted, guilty of great Violence, by shooting, maiming, and beating, to the great Terror of his Majesty's Subjects, and to the Encouragement of Idleness and Immorality; and such Practices are found by Experience to lead to the Commission of Crimes and Felonies; for the Suppression thereof, may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Persons to the Number of two or more shall, after the passing of this Act, enter into or be found in any Forest, Chase, Park, Wood, Plantation, Paddock, Field, Meadow, or other open or inclo-

Persons to the Number of two or more found in any Forest, Chase, Park, Wood, Plantation, Paddock, Field, Meadow, or other open or inclo-

sed Ground, in the Night, that is to say, between the Hours of eight of the Clock at Night and six in the Morning, from the first Day of October to the first Day of February, or between the Hours of ten at Night and four in the Morning, from the first Day of February to the first Day of October in each and every Year, having any Gun, Net, Engine, or other Instrument, for the Purpose and with the Intent to destroy, take, or kill, or shall wilfully destroy, take, or kill, any Hare, Pheasant, Partridge, Heath Fowl, commonly called Black Game, or Grouse, commonly called Red Game, or any other Game; or if any Person or Persons shall be found with any Gun, Fire-arms, Bludgeon, or with any other offensive Weapon, protecting, aiding, abetting, or assisting any such Persons as aforesaid, it shall and may be lawful to and for the Ranger and Rangers, and to and for the Owner and Owners, Occupier and Occupiers, of any such Forest, Chase, Park, Wood, Plantation, Paddock, Field, Meadow, or other open or inclosed Ground, and also for his, her or their Keeper and Keepers, Servant and Servants, and also for any other Person or Persons, to seize and apprehend, or to assist in seizing and apprehending such Offender or Offenders, by virtue of this Act, and by the Authority of the same to convey and deliver such Offender or Offenders into the Custody of a Peace-officer, who is hereby authorized and directed to convey such Offender or Offenders before some one of his Majesty's Justices of the Peace for the County or Place where such Offence shall be alleged to have been committed; or in case such Offender or Offenders shall not be so apprehended, then it shall and may be lawful for any such Justice, on Information before him on the Oath of any credible Witness or Witnesses, to issue his Warrant for the Apprehension of such Offender or Offenders: and if, upon the Apprehension of any such Offender or Offenders it shall appear to such Justice on the Oath of any credible Witness or Witnesses, that the Person or Persons so charged hath or have been guilty of any or either of the said Offences, every such Person shall be deemed and taken to be a Rogue and a Vagabond, within the true Intent and Meaning of an Act, made in the seventeenth Year of the Reign of King George the Second, intituled, 'an Act to amend and make more effectual the Laws relating to Rogues and Vagabonds, and other idle and disorderly Persons, and to Houses of Correction,' and shall suffer such Pains and Punishments as are directed to be inflicted by any Law or Statute in Force and Effect on Rogues and Vagabonds; and in case any Person or Persons being so convicted shall again offend against any of the Provisions of this Act, such Person or Persons shall be deemed and taken to be an incorrigible Rogue, and shall suffer such Pains and Punishments as by any Law or Statute in Force and Effect are directed to be inflicted on incorrigible Rogues.

No. 46.  
39 and 40 Geo.  
III. c. 50.  
specified, hav-  
ing any Gun or  
Engine with  
Intent to kill or  
take Game, or  
Persons aiding  
with offensive  
Weapons, may  
be apprehended,  
and on Convic-  
tion before a  
Justice, shall be  
deemed Rogues  
and Vagabonds  
within the  
Meaning of 17  
Geo. II. c. 5.  
&c.



## No. 47.

42 George III. c. 107.—An Act more effectually to prevent the stealing of Deer.

No. 47.  
42 George III.  
c. 107.

Persons who shall illegally hunt, snare, or shoot, &c. Deer in any Inclosure, and their Abettors, guilty of Felony, punishable by seven Years' Transportation.

Penalty on Persons committing such Offences in uninclosed Ground, 50l.

Keepers of Deer, &c. offending, shall forfeit double.

\* Provisions of 16 George III. c. 32, amended to this Act.

WHEREAS it is expedient to make some further Provision for preventing the stealing of Deer, and the Punishment of Deer-stealers; be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, if any Person or Persons shall wilfully course or hunt, or take in any Slip, Noose, Toil or Snare, or kill, wound, or destroy, or shoot at, or otherwise attempt to kill, wound, or destroy, or shall carry away, any red or fallow Deer, kept or being in the inclosed Part of any Forest, Chase, Purlieu, or ancient Walk, or any inclosed Park, Paddock, Wood, or other inclosed Ground wherein Deer are, have been, or shall be usually kept, without the Consent of the Owner of such Deer, or without being otherwise duly authorised, or shall knowingly be aiding, abetting, or assisting therein or thereunto, every Person so wilfully offending as aforesaid, in any of the Cases above-mentioned, shall be deemed and taken to be guilty of Felony, and being lawfully convicted thereof upon Indictment, shall be adjudged to be transported for the Term of seven Years.

II. And be it further enacted, That from and after the passing of this Act, if any Person shall wilfully course or hunt, or take in any Slip, Noose, Toil, or Snare, or kill, wound, or destroy, or shoot at, or otherwise attempt to kill, wound, or destroy, or shall carry away any red or fallow Deer, kept or being in the uninclosed Part of any Forest, Chase, Purlieu, or ancient Walk, without the Consent of the Owner of such Deer, or without being otherwise duly authorised, or shall knowingly be aiding, abetting, or assisting therein or thereunto, every Person so offending shall, for every such Act of wilful coursing or hunting, and for every such Attempt to kill, wound, or destroy, and for every Deer so taken or killed, wounded or destroyed, or shot at or carried away as aforesaid, in or from any uninclosed Part of any Forest, Chase, Purlieu, or ancient Walk, forfeit and pay the Sum of fifty Pounds; and if the Offender in any of the Cases aforesaid shall be a Keeper of, or Person in any Manner entrusted with the Care or Custody of Deer in the Forest, Chase, Purlieu, or ancient Walk, wherein the Offence shall be committed, he shall for every such Offence forfeit and pay double the Penalty herein-before enacted to be paid by other Offenders.

III. And be it further enacted, That all Powers, Provisions, Rules, Regulations, Methods, Forms, Restrictions, and all other Matters and Things, enacted, prescribed, appointed, or contained in and by an Act of the Parliament of Great Britain, made in the sixteenth Year of the Reign of his

present Majesty, intituled, 'An Act more effectually to prevent the stealing of Deer; and to repeal several former Statutes made for the like Purpose,' for or concerning the seizing or apprehending, and the Conviction of Persons offending against the said Act, and for or concerning the Recovery, Application, and Disposal of the Penalties and Forfeitures therein mentioned, and for or concerning the Time and Manner of appealing from Convictions, and of bringing Actions or Prosecutions against any Person or Persons for any Thing done under or in pursuance of the said Act, and for or concerning the Manner of Pleading, and other Proceedings in such Actions, and the Costs by the said Act given in certain Cases, shall, so far as the same respectively are applicable, be in full Force and Effect, and be applied and made use of in seizing and apprehending and in convicting Offenders against this Act, and in the Recovery, Application, and Disposal of the Penalties and Forfeitures hereby imposed, and with Respect to the Time and Manner of appealing from Convictions, and of bringing Actions and Prosecutions against any Person for any Thing done under or in Pursuance of this Act, and with Respect to the Manner of Pleading, and other Proceedings in such Actions, and the Costs thereof, and for all other Purposes to which such Powers, Provisions, Rules, Regulations, Methods, Forms, Restrictions, Matters, and Things, or any of them, are applicable under this Act, as fully as if the same had been severally herein contained and set forth: Provided always, that in case of Non-payment of any pecuniary Penalty or Forfeiture imposed by this Act, with the Charges incident to the Conviction, immediately on the Conviction, and for Want of sufficient Distress of the Goods and Chattels of the Offender or Offenders, he and they shall be sent by the Justice or Justices before whom such Conviction shall be made, to the common Gaol of the County, Riding, or Division, City, Town, or Place, where the Offence was committed, for six Months, there to remain without Bail or Mainprize, unless the Penalty and Charges incident be sooner paid.

No. 47.  
George III.  
c. 107.

In Default of  
Payment of  
Penalties, Of-  
fenders may be  
committed for  
six Months.

IV. And be it further enacted, That if any Person or Persons after having been duly convicted of any Offence for which a pecuniary Penalty or Forfeiture is imposed, either by this Act or by the said Act made in the sixteenth Year of the Reign of his present Majesty, shall offend a second Time by committing any Offence against this Act, for which a pecuniary Penalty or Forfeiture is herein-before imposed, such second Offence, whether it be the same Offence as the first Offence, or be any other of the said Offences, shall be deemed and taken to be a Felony, and the Person or Persons guilty thereof, being lawfully convicted upon Indictment, shall be adjudged to be transported for the Term of seven Years.

Persons con-  
victed of a se-  
cond Offence,  
punishable by a  
pecuniary Pe-  
nalty shall be  
adjudged to be  
Felonies, &c.

V. And, to the Intent that the Prosecution of Persons who shall offend a second Time, may be carried on with as little Expence and Trouble as may be, be it further enacted, That the Justice before whom any Person shall be convicted

Conviction  
for first Offence  
shall be  
transmitted to  
Quarter-Ses-

No. 47. for the first Time of any Offence against this Act, for which pecuniary Penalty or Forfeiture is imposed, shall transmit such Conviction under his Hand and Seal to the Quarter Session which next after such Conviction shall be holden for the County, Riding, or Division, City, Town, or Place, wherein such first Offence was committed, there to be filed by the Clerk of the Peace or other proper Officer, and kept amongst the Records of the Court; and such Conviction so filed, or a true Copy thereof, certified by such Clerk of the Peace or other Officer, or proved to be a true Copy, shall be sufficient Evidence to prove the Conviction for such first Offence as aforesaid.

So much of  
16 George III.  
c. 30 (see § 1)  
inflicts Pen-  
alties for hunt-  
ing or shooting  
Deer, &c. re-  
pealed.

VI. And be it further enacted, That, from and after the passing of this Act, so much of the said Act made in the sixteenth Year of the Reign of his present Majesty, as imposes or inflicts any Penalty, Forfeiture; or Punishment, on any Person who shall hunt or course, or take in any Slip, Noose, Toil or Snare, or kill, wound, or destroy, or shoot at, or otherwise Attempt to kill, wound, or destroy, or carry away, any fallow Deer in any Forest, Chase, Purlieu, or ancient Walk, whether inclosed or not, or in any inclosed Park, Pad-dock, Wood, or other inclosed Ground, where Deer were or had been or should be usually kept, without the Consent of the Owner, or without being otherwise duly authorized, or who shall be aiding, abetting, or assisting therein, shall with Respect to the said Offences committed after the passing of this Act, be and the same is hereby repealed.

Not to extend  
to Scotland or  
Ireland.

VII. Provided always, and be it further enacted, That nothing herein contained shall extend to those Parts of the United Kingdom called Scotland and Ireland.

#### No. 48.

43 George III. c. 112.—An Act for the better Preservation of Heath Fowl, commonly called Black Game, in the New Forest, in the County of Southampton.

#### No. 49.

48 George III. c. 93. A. D. 1808.—An Act to repeal so much of an Act of the first Year of King James the First, as relates to the Penalties on Shooting at Hares; and also to repeal an Act of the third Year of King George the First, relating to Gamekeepers.

No. 49.  
3 George III.  
c. 93.  
1 Stat. t. c. 27.

WHEREAS an Act was passed in the second Year (commonly called the first Year) of the Reign of King James the First, intituled, "An Act for the better Execution of the Intent and Meaning of former Statutes made

'against shooting in Guns, and for the Preservation of the No. 49.  
'Game of Pheasants and Partridges, and against the destroy- 48 George III.  
'ing of Hares with Hare-pipes, and tracing Hares in the c. 93.  
'Snow;" whereby it was amongst other Things enacted, That  
'every Person which should shoot at, kill, or destroy, with any  
'Gun, Cross-bow, Stone-bow, or Long-bow, any Hare,  
'should be subject to the Penalties therein mentioned: and  
'whereas it is expedient that the said Provision should be  
'repealed; and whereas it is also expedient that a certain other  
'Act, passed in the third Year of his late Majesty King George 3 Geo. I. c. 11.  
'the First, intituled, "An Act to explain and amend several  
'Laws therein mentioned for the better Preservation of the  
'Game, should be repealed;" and that other Provisions  
'should be made relating to the Appointment of Game-  
'keepers;" be it therefore enacted by the King's most excel-  
lent Majesty, by and with the Advice and Consent of the  
Lords Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the Authority of the same, That  
the said Provision of the said recited Act of the second of  
James the First, and the said recited Act of the third of George  
the First, shall be and the same are hereby repealed.

II. And be it further enacted, That it shall be lawful for  
any Lord or Lady of any Manor to appoint and depute any  
Person whatever, whether acting as a Gamekeeper to any  
other Person or not, or whether retained and paid for as the  
male Servant of any other Person or not, or whether a qual-  
ified Person or not, to be a Gamekeeper to any such  
Manor, with Authority to such Person as Gamekeeper to  
kill Game within the same for his own Use, or for the Use  
of any other Person or Persons whatever, to be specified  
in such Appointment or Deputation, whether qualified or  
not; and no Person so appointed Gamekeeper as aforesaid and  
empowered to kill Game for his own Use, (1.) or for the Use  
of any other Person so specified as aforesaid, and not killing  
any Game for the Use of the Lord or Lady of the Manor for  
which such Deputation shall be given, shall be deemed or taken  
to be, or entered or paid for as the Gamekeeper or male Ser-  
vant of the Lord or Lady making such Appointment or giving  
such Deputation as aforesaid; any Thing in any Act or Acts  
of Parliament to the contrary notwithstanding.

III. And be it further enacted, That any Person appoint-  
ed Gamekeeper under the Authority of this Act to kill Game  
for his own Use or the Use of any other Person, shall have the  
same Rights, Privileges, Power and Authority as if he had  
been legally qualified and appointed to act as Gamekeeper,  
to kill Game for the Use of the Lord or Lady of the Manor  
appointing such Gamekeeper, under any Laws in force im-  
mediately before the passing of this Act.

(1.) A Gamekeeper may be presumed to have killed for the Use of the  
Lord, if Nothing appear to the contrary: *Spurrier v. Vale*, 10 E. 113.

Provision of  
2 Jac. I. c. 27,  
so far as relates  
to Hares; and  
recited Act of  
3 Geo. I. c. 11,  
repealed.

Lords of Ma-  
nors may ap-  
point Game-  
keepers, whe-  
ther qualified or  
not, &c. with  
Authority to  
kill Game for  
their own Use,  
&c.

Gamekeepers  
so appointed  
shall have the  
same Rights as  
if qualified.

## No. 50.

50 George III. c. 67. A. D. 1810.—An Act for the better Preservation of Heath Fowl, commonly called Black Game, in the Counties of Somerset and Devon.

## No. 51.

51 George III. c. 120. A. D. 1811.—An Act to amend an Act of the forty-seventh Year of his present Majesty, for more effectually preventing the stealing of Deer.

No. 51.  
51 George III.  
c. 120.  
42 G. III. c.

On Conviction of Offenders under the recited Act, any Magistrate may mitigate the Penalty of 50l. to 20l.

WHEREAS by an Act passed in the forty-second Year of the Reign of his present Majesty, intituled, "An Act for more effectually preventing the stealing of Deer," no Provision is made for a Mitigation of the pecuniary Penalties thereby imposed for committing the several Offences therein mentioned, from the Want whereof considerable Inconvenience has arisen; be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the Conviction of any Offender under the said Act, for wilfully coursing or hunting, or taking in any Slip, Noose, Toil, or Snare, or killing, wounding, or destroying or shooting, or otherwise attempting to kill, wound, or destroy, or carrying away any red or fallow Deer, kept or being in the unenclosed Part of any Forest, Chase, Purlieu, or ancient Walk, without the Consent of the Owner of such Deer, or without being otherwise duly authorized, or for knowingly being aiding, abetting, or assisting therein or thereunto; it shall and may be lawful for the Magistrate or Magistrates by and before whom such Offender or Offenders shall be convicted, to mitigate the Penalty of fifty Pounds thereby imposed for the first Offence to any Sum at their Discretion not less than twenty Pounds, to be levied in the Manner directed by the said recited Act: Provided always, that every other Part and Provision in the said recited Act shall be and remain in full Force and Effect as if this Act had not been made or passed.

## PART VI. CLASS XX.

## GAMING.\*

\* The Statutes which have Relation to Gaming, as an illegal Contract, are inserted in Part III, in conformity to the general Arrangement of this Work.

## No. 1.

33 Henry VIII. c. 9. — The Bill for the maintaining Artillery, and the debarring of unlawful Games. (1.)

**M**OST humbly complaining, shew unto your Highness your daily Oration, the Bowyers, Fletchers, Stringers and Arrowhead-makers of this your Realm, that where for the Advancement and Maintenance of Archery, the better to be maintained and had within the same, and for the avoiding of divers and many unlawful Games and Plays, occupied and practised within this Realm, to the great Hurt and Lett of Shooting and Archery, divers good and lawful Statutes have been devised, enacted and made, amongst which one was made in a Parliament holden at *Westminster* in the third Year of your most gracious Reign, and the same Act made perpetual in the Parliament there holden in the sixth Year of your said Reign; (2) the which good and laudable Act notwithstanding, divers and many subtil inventative and crafty Persons, intending to defraud the same Estatute, sithens the making thereof, have found, and daily find many and sundry new and crafty Games and Plays, as *Logetting* in the Fields, *Slide-thrift*, otherwise called *Shove-groat*, as well within the City of *London* as elsewhere, in many other and divers Parts of this Realm, keeping Houses, Plays and Alleys for the Maintenance thereof; by Reason whereof Archery is sore decayed, and daily is like to be more and more minished, and divers Bowyers and Fletchers, for lack of Work, gone and inhabit themselves in *Scotland*, and other Places out of this Realm, there working and teaching their Science, to the Puissance of the same, to the great Comfort of Estrangers, and Detriment of this Realm.

II. And where also your Grace's Subjects, Bowyers, Fletchers and other Artificers aforenamed, from Time to Time resort, repair and come out of all Places of this your Realm unto the City of *London* for Lack of Living, and do inhabit nigh the same City, or in the Suburbs of the same City, and in the Streets and Lanes of the same City, being no Freeman of the same City, nor bearing neither Scot, Lot, nor other

p.

No. 1.

33 Hen. VIII.  
c. 9.6 H. 8 c. 2.  
12 Co. 99.

Several new-devised Games the Cause of the Decay of Archery.

(1.) The Proceedings for Penalties in this Act are regulated by 31 Eliz. c. 5, "concerning Informers."—Vol. Part IV. Title Penal Actions and Informations.

- No. 1. 'Charges within your said City, as other Citizens and Free-  
 33 Hen. VIII. men of the same City do, and are bound to do, and by their  
 c. 9. 'Oaths are sworn to do, and which Citizens and Freemen of  
 'your said City, of the Mysteries and Crafts before rehearsed,  
 'which have been brought up as Apprentices from their  
 'Youth, dwelling within the Freedom of your said City of  
 'London, are always in Readiness to furnish your Grace's  
 'Affairs, when they shall be commanded; (2) by Reason of  
 'which Resort and Abode of such Foreigners and Strangers of  
 'the Mysteries and Crafts before rehearsed, in the Suburbs,  
 'Streets and Lanes of the same City, other Cities, Towns, Vil-  
 'lages and Places within this Realm remain and be unfurnished  
 'of Artificers and Craftsmen before rehearsed, to the great  
 'Decay of the Archery of this Realm; (3) and forasmuch as  
 'it appeareth by the Preamble of the said Statute enacted  
 'the said third Year, which was established and made per-  
 'petual in the foresaid sixth Year of your most gracious  
 'Reign, that your Highness calling to your most noble and  
 'gracious Remembrance, that by the Feat and Exercise of  
 'the Subjects of this your Realm in shooting in Long-Bows,  
 'there hath continually grown and been within the same  
 'great Number and Multitude of good Archers, which hath  
 'not only defended this Realm and the Subjects thereof  
 'against the cruel Malice and Danger of their outward Ene-  
 'mies in Times heretofore past, but also with little Number and  
 'Puissance in Regard, have done many notable Acts and Dis-  
 'comfitures of War against the Infidels, and other, and further-  
 'more subdued and reduced divers and many Regions and  
 'Countries to their due Obeisance, to the great Honour, Fame,  
 'and Surety of this Realm and Subjects, and to the terrible  
 'Dread and Fear of all strange Nations, any Thing to attempt  
 'or do to the Hurt or Damage of them or any of them; (4)  
 'yet nevertheless Archery, and shooting in Long-Bows was  
 'little used, but daily did diminish, decay, and abate more and  
 'more, for that much Part of the Commonalty and poor  
 'People of this Realm, whereby of old Time the great Number  
 'and Substance of Archers hath grown and multiplied, were  
 'not of Power and Ability to buy them Long-Bows of Yew,  
 'to exercise shooting in the same, and to sustain the continual  
 'Charge thereof; (5) and also by Means and Occasions of  
 'customable Usage of Tennis-play, Bowls, Cloysh and other  
 'unlawful Games, prohibited by many good and beneficial  
 'Statutes by Authority of Parliament in that Behalf provided  
 'and made, great Impoverishment hath ensued, and many  
 'heinous Murders, Robberies, and Felonies were committed  
 'and done, and also the Divine Service of God, by such Mis-  
 'doers on holy and Festival Days, not heard or solemnised, to  
 'the high Displeasure of Almighty God, as by the aforesaid  
 'Preamble more plainly may appear.

The Causes  
 of the Decay  
 of Archery.

[III. Men under the Age of Sixty Years shall have Bows and Arrows for shooting. — Men-Children between seven Years and seventeen. — Men about seventeen Years of Age.]

[IV. Who shall shoot at Rovers.—Shooting in Yew Bows.—The Inhabitants of every Town shall cut Butts and shoot at them.]

[V Bows of Elm, Ash, &c. Repealed by 8 Eliz. c. 10. § 6.]

[VI. The several Prices of the several Sorts of Bows. Repealed by 8 Eliz. c. 10. § 6. 22 Ed. IV. c. 4. 3 H. VII. c. 13.]

[VII. Sale of seasonable Timber by one Fletcher to another.]

[VIII. Bowyers and Fletchers, &c. of London, upon Commandment, shall dwell elsewhere.]

[IX Aliens shall not convey Bows or Arrows beyond the Sea.]

[X. Aliens shall not use shooting in Long-Bows.—Magistrates may hear and determine these Offences.]

No. 1.

33 Hen. VIII.  
c. 9.

**XI.** Be it also enacted, by the Authority aforesaid, That no Manner of Person or Persons, of what Degree, Quality or Condition soever he or they be, from the Feast of the Nativity of St. John Baptist now next coming, by himself, Factor, Deputy, Servant or other Person, shall for his or their Gain, Lucre, or Living, keep, have, hold, occupy, exercise or maintain, any common House, Alley or Place of bowling, coyting, cloysh-cayls, half bowl, tennis, dicing table or carding, or any other Manner of Game prohibited by any Estatute heretofore made, or any unlawful new Game now invented or made, or any other new unlawful Game hereafter to be invented, found, had or made, (2) upon Pain to forfeit and pay for every Day keeping, having or maintaining, or suffering any such Game to be had, kept, executed, played or maintained, within any such House, Garden, Alley, or other Place, contrary to the Form and Effect of this Estatute, forty Shillings.

The Penalty for Maintenance of a House for unlawful Games.

**XII.** And also every Person using and haunting any of the said Houses and Plays, and there playing, to forfeit for every Time so doing, six Shillings eight Pence.

The Penalty for resorting to a House of unlawful Games.

**XIII.** And if any Person hereafter sue for any Placard, to have common Gaming in his House, contrary to this Estatute, that then it shall be contained in the same Placard, what Game shall be used in the same House, and what Persons shall play thereat, and every Placard granted to the contrary to be void; (2) and also that the Party obtaining any such Placard, before he put the same in Execution, shall be bound with sufficient Sureties with him by Recognizances in the Chancery, in a certain Sum, to be appointed by the Discretion of the Lord Chancellor of England, that he shall not use the said Placard contrary to the Form thereof.

A Placard to keep a House of Gaming.

All such Placards made void by 2 & 3 Ph. & M. c. 9.

**XIV.** Be it further enacted by the Authority aforesaid, That it shall be lawful to all and every the Justices of Peace in every Shire, Mayors, Sheriffs, Bailiffs, and other head Officers, within every City, Town, and Borough within this Realm, from Time to Time, as well within Liberties as without, as Need and Case shall require, to come, enter, and resort into all and every Houses, Places and Alleys, where such Games shall be suspected to be holden, exercised, used, or occupied, contrary to the Form of this Estatute, (2) and as well the Keepers of the same, as also the Persons there haunting, resorting and playing, to take, arrest and imprison, and them so taken and arrested to keep in Prison, unto such Time

Magistrates may repress unlawful Games, and punish Offenders.



No. 1. as the Keepers and Maintainers of the said Plays and Games  
 33 Hen VIII. have found Sureties to the King's Use, to be bound by Recognizance or otherwise, no longer to use, keep or occupy any  
 c. 9. such House, Play, Game, Alley or Place; (3) and also that the Persons there found, be in like Case bound by themselves, or else with Sureties, by the Discretions of the Justices, Mayors, Sheriff, Bailiffs, or other head Officers, no more to play, haunt or exercise from thenceforth, in, at, or to any of the said Places, or at any of the said Games.

Farther Provisions relating hereto  
 2 Geo. 2, c. 28,  
 § 9.

Searching of Houses where unlawful Games be kept.

XV. Also be it further enacted by the Authority aforesaid, That the Mayors, Sheriffs, Bailiffs, Constables, and other head Officers within every City, Borough, and Town within this Realm, where any such Officers shall fortune to be, as well within the Franchises as without, shall make due Search weekly, or at the farthest at all Times hereafter once every Month, in all Places where any such Houses, Alleys, Plays or Places shall be suspected to be had, kept and maintained; (2) And if the said Mayors, Sheriffs, Bailiffs, Constables, and other head Officers within their Cities, Boroughs and Towns, as well within Franchises as without, do not make due Search at the farthest once every Month, if the Case so require, according to the Tenor of this Act, and do not execute the same in all Things according to the Purport and Force of the same; that then every such Mayor, Sheriff, Bailiff, Constable, or other head Officer, to pay and forfeit for every Month not making such Search, nor executing the same, *xl. s.*

Persons prohibited to play at unlawful Games out of Christmas  
 1 Lutw. 133.

XVI. Be it also enacted by the Authority aforesaid, That no Manner of Artificer or Craftsman of any Handicraft or Occupation, Husbandman, Apprentice, Labourer, Servant at Husbandry, Journeyman, or Servant of Artificer, Mariners, Fishermen, Watermen, or any Serving-man, shall from the said Feast of the Nativity of St. John Baptist, play at the Tables, Tennis, Dice, Cards, Bowls, Clash, Coyling, Logging, or any other unlawful Game, out of Christmas, under the Pain of *xx. s.* to be forfeit for every Time; (2) and in Christmas to play at any of the said Games in their Masters' Houses, or in their Masters' Presence; (3) and also that no Manner of Person shall at any Time play at any Bowl or Bowls in open Places out of his Garden or Orchard, upon the Pain for every Time so offending, to forfeit *xl. s. viii. d. 4*; (4) and that all Justices of Peace, Mayors, Bailiffs, Sheriffs, and all other head Officers, and every of them, finding or knowing any Manner of Person or Persons using or exercising any unlawful Games, contrary to this present Statute, shall have full Power and Authority to commit every such Offender to Ward, there to remain without Bail or Mainprize, until such Time that they so offending be bounden by Obligation to the King's Use, in such Sums of Money as by the Discretions of the said Justices, Mayors, Bailiffs or other head Officers, shall be thought reasonable, that they or any of them shall not from henceforth use such unlawful Games.

Playing at Bowls. Certain Officers may commit Offenders to Prison.

All other Statutes made against unlaw-

XVII. Be it further enacted by the Authority aforesaid, That all other Statutes made for the Restraint of unlawful

Games, or for the Maintenance of Artillery, as touching the Penalties or Forfeitures of the same, shall be from henceforth utterly void; (2) and that all Informations, Plaints, Actions, or Suits, that shall be taken or sued upon any Part of this Statute, shall be commenced within the Year after the Offence committed and done, or otherwise no Advantage or Suit there- of to be taken.

No. 1.  
Hen. VIII.  
c. 9.

ful Games, and  
for the Mainte-  
nance of Artil-  
lery repealed.

XVIII. And where any such Forfeitures shall happen to be found within the Precinct of any Franchise, Leet or Lawday, then the Lord of the said Franchise, Leet or Lawday, to have the one Moiety thereof, and the other Moiety thereof to any of the King's Subjects that will sue for the same, in any of the King's Courts, by Action, Information, Bill or otherwise, in which Action or Suit the Defendant shall not be admitted to wage his Law, nor any Protection nor Essoin shall be allowed; (2) and where such Forfeiture shall be found out of the Precinct of any Franchise, Leet, or Lawday, that the Moiety of all such Forfeitures shall be to the King our Sovereign Lord, and the other Moiety thereof to any the King's Subjects that will sue for the same, by Bill, Plaint, Action, Information or otherwise, in any of the King's Courts, in which Suit or Action the Defendant shall not be admitted to wage his Law, nor any Protection or Essoin shall be allowed.

Within what  
Time any Suit  
shall be prosec-  
uted upon this  
Statute, and who  
shall have the  
Forfeitures.

XIX. And to the Intent that every Person may have Knowledge of this Act, and avoid the Danger and Penalties of the same, be it enacted by the Authority aforesaid, That all Mayors, Bailiffs, Sheriffs, and all other head Officers, shall four Times in the Year, that is to say, every Quarter once, make open Proclamation of this present Act in every Mar- ket to be holden within their several Jurisdictions and Author- ities.

Proclamation  
of this Statute.

XX. And also that the Justices of Gaol Delivery, Assises and Justices of Peace, do cause the same to be proclaimed in their several Circuits and Sessions before them holden, and that this Statute shall begin to take its Effect concerning the Penalties of the same, from the said Feast of St. John Baptist now next coming, and to continue and endure for ever.

XXI. Provided alway, and be it enacted by the Authority aforesaid, That if any Person or Persons have taken by Lease, whether it be by Word, Writing or otherwise, any House, Alley or Place wherein any such unlawful Game now is, and at the Time of such Lease made was used, that then every such Lessee shall, at the Liberty of him or them to whom such Lease is made, their Executors, Administrators or Assigns, from the said Feast of the Nativity of St. John Baptist, be utterly void, except it be for Breach of Covenants or Agreements, or Payment of Rent due or to be due at the said Feast, or any Time before, so that then at the same Feast, or within one Month next after the same, the said Lessee give Knowledge to such Lessor or Lessors, their Heirs and Assigns, that he will no longer occupy the same, and that then it shall be lawful to the Inheritor, Lessor, or Owner thereof, or to his Heirs or Assigns, in the same House, Alley or Place to re-enter.

Leases of  
Houses where  
unlawful Games  
be used.

No. 1. XXII. Provided also, and be it enacted by the Authority  
 33 Hen. VIII. aforesaid, That it shall be lawful for every Master to license  
 c. 9. his or their Servants to play at Cards, Dice or Tables with  
 The Servant by Licence may play with his Master. their said Master, or with any other Gentleman repairing to their  
 said Master, openly in his or their House, or in his or their Pre-  
 sence, according to his or their Discretion; (2) and that it shall be  
 lawful to every such Servant, for every Time so being com-  
 manded or licensed by his said Master, as is aforesaid, to play  
 at Cards, Dice or Tables with his said Master, or other Gen-  
 tleman so to him repairing; any Thing in this Act to the con-  
 trary notwithstanding.

In what Cases  
 Servants may  
 play at Dice,  
 Cards, Tables,  
 Bowls or Ten-  
 nis.

XXIII. Provided also, and be it enacted by the Authority  
 aforesaid, That it shall be lawful to every Nobleman and other,  
 having Manors, Lands, Tenements, or other yearly Profits,  
 for Term of Life in his own Right, or in his Wife's Right, to  
 the yearly Value of an hundred Pounds or above, to command,  
 appoint or license, by his or their Discretion, his or their Ser-  
 vants, or Family of his or their House or Houses, for to play  
 within the Precinct of his or their House, Gardens or Orch-  
 ards, at Cards, Dice, Tables, Bowls, or Tennis, as well  
 amongst themselves as other repairing to the same House or  
 Houses; (2) and that they so playing by Commandment, Ap-  
 pointment or Licence, as is aforesaid, shall not incur any  
 Danger or Penalty contained in this Act for the same; this Act  
 or any Thing therein contained to the contrary thereof in any  
 wise notwithstanding.

Suits depend-  
 ing at this Time  
 upon any Sta-  
 tute repealed.

Enforced by  
 2 Geo. 2. c. 28.

XXIV. Provided alway, and be it enacted by the Author-  
 ity aforesaid, That all Informations, Actions and Suits now  
 depending in any of the King's Courts for or concerning any  
 Penalty or Forfeiture contained in any of the said Statutes, by  
 this Act repealed, and no Judgment therein yet given, the  
 same Informations, Actions and Suits, shall be, remain and  
 stand as good and effectual in the Law, to all Intents, Con-  
 structions and Purposes, as if this Act had never been had ne  
 made; any Thing in this Act contained to the contrary thereof  
 in any wise notwithstanding.

### No. 2.

16 Charles II. c. 7. — An Act against dis-  
 orderly, and excessive Gaming.

orderly,

[Inserted into Part 3.]

### No. 3.

10 & 11 William III. c. 17. — An Act for suppressing  
 of Lotteries.

No. 3.  
 10 & 11 W. III.  
 c. 17.

WHEREAS several evil-disposed Persons, for divers  
 Years last past, have set up many mischievous and  
 unlawful Games, called Lotteries, not only in the Cities of

\* *London and Westminster*, and in the Suburbs thereof, and  
 \* Places adjoining, but in most of the eminent Towns and  
 \* Places in *England*; and in the Dominion of *Wales*, and have  
 \* thereby most unjustly and fraudulently got to themselves great  
 \* Sums of Money from the Children and Servants of several  
 \* Gentlemen, Traders and Merchants, and from other unwary  
 \* Persons, to the utter Ruin and Impoverishment of many Families, and to the Reproach of the *English Laws* and Government, by Colour of several Patents or Grants under the  
 \* Great Seal of *England* for the said Lotteries; or some of  
 \* them; which said Grants or Patents are against the common  
 \* Good, Trade, Welfare and Peace of his Majesty's Kingdoms: For Remedy whereof be it enacted, adjudged and declared, and it is hereby enacted, adjudged and declared by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all such Lotteries, and all other Lotteries, are common and public Nuisances, and that all Grants, Patents and Licenses for such Lotteries, or any other Lotteries, are void and against Law.

No. 3.  
 10 & 11 Willm.  
 III. c. 17.

Lotteries declared public Nuisances, and all Grants thereof void.

II. And be it further enacted by the Authority aforesaid, That from and after the nine and twentieth Day of *December*, which shall be in the Year of our Lord God one thousand six hundred ninety-nine, no Person or Persons whatsoever shall publicly or privately exercise, keep open, show or expose to be plaid at, drawn at, or thrown at, or shall draw, play or throw at any such Lottery, or any other Lottery, either by Dice, Lots, Cards, Balls, or any other Numbers or Figures, or any other Way whatsoever; and that every Person or Persons that shall, after the said nine and twentieth Day of *December*, exercise, expose, open or shew to be plaid, thrown or drawn at, any such Lottery, Play or Device, or other Lottery, shall forfeit for every such Offence the Sum of five hundred Pounds, to be recovered by Information, Bill, Plaint or Action at Law in any of his Majesty's Courts at *Westminster*, wherein no Essoin, Wager of Law, nor any more than one Imparance shall be allowed; one third Part thereof to the Use of his Majesty, his Heirs and Successors, one other third Part thereof to the Use of the Poor of the Parish where such Offence shall be committed; and the other third Part thereof, together with double Costs, to the Party that shall inform and sue for the same; and the said Parties so offending shall likewise be prosecuted as common Rogues, according to the Statutes in that Case made and provided.

From 29 Dec. 1699, no Person to keep open such Lottery, &c.

Penalty on Offender.

III. And be it further enacted, That every Person or Persons, that after the said nine and twentieth Day of *December* shall play, throw, or draw at any such Lottery, Play, or Device, or other Lotteries, shall forfeit for every such Offence the Sum of twenty Pounds, to be recovered by Information, Bill, Plaint, or Action at Law, in any of his Majesty's Courts at *Westminster*, wherein no Essoin, Wager of Law, nor any

Penalty on playing at such Lotteries.  
 12 Geo. II. c. 28.

No. 3. more than one Imparlance, shall be allowed, one third Part thereof to the Use of his Majesty, his Heirs and Successors, one other third Part thereof to the Use of the Poor of the Parish where such Offence shall be committed, and the other third Part thereof, together with double Costs, to the Party that shall inform and sue for the same.

Royal Oak Lottery to continue for the Term granted by Patent only

IV. Provided nevertheless, That nothing in this Act contained shall extend or be construed to extend to effect or to enforce the suppressing of a Lottery, commonly called, *The Royal Oak Lottery*, for the Remainder only of the Term for which it now stands granted by Letters: Patents under the Great Seal of *England*; any Thing herein before contained to the contrary notwithstanding.

This Act not to affect the Lottery for Greenwich Hospital.

V. Provided also, That nothing in this Act contained shall extend to affect, restrain, or prejudice the Undertaking now in being, called, *The charitable Adventure for the Benefit of Greenwich Hospital*, by the present Undertakers thereof, with the Approbation of the Governors and Commissioners appointed for the Management of the said Hospital, for any Time before the four and twentieth Day of June one thousand seven hundred.

#### No. 4.

p. 9 Anne, c. 6. — An Act for reviving, continuing, and appropriating certain Duties upon several Commodities to be exported; and certain Duties upon Coals to be water-born and carried Coastwise; and for granting further Duties upon Candles, for thirty-two Years; to raise fifteen hundred thousand Pounds, by Way of a Lottery, for the Service of the Year one thousand seven hundred and eleven; and for suppressing such unlawful Lotteries, and such Insurance Offices, as are therein mentioned.

No. 4.  
9 Anne, c. 6.

Act 10 W. 3. c. 17. concerning Lotteries, to be put in Execution.

\* Amended and enforced by 22 Geo. 3. c. 6.

LVI. **A**ND whereas, notwithstanding an Act made in the tenth Year of the Reign of the late King *William*, intituled, *An Act for suppressing of Lotteries*, and the Prohibitions and Penalties therein, several Persons of late have presumed, contrary to the Intent of the said Act, to set up Lotteries in Imitation of the Lottery directed to be drawn by virtue of an Act of the last Session of Parliament, and other Lotteries, which are prejudicial to the Publick, and tend greatly to defraud her Majesty's Subjects; Be it further enacted by the Authority aforesaid, That the said Act of the tenth Year of the late King *William*, shall be put in Execution: And for the more effectual suppressing and preventing such unlawful Lotteries, the Justices of the Peace, and all Mayors, Bailiffs, Head Officers, Constables, and other her Majesty's Civil Officers, within their respective Jurisdictions, are hereby empowered and required to use their utmost Endeavours to

prevent the Drawing of any such unlawful Lottery, heretofore or hereafter to be set up, by all lawful Ways and Means; and that every Person who after the eighth day of March one thousand seven hundred and ten, shall set up, or shall, by Writing or Printing, publish the setting up any such unlawful Lottery, with Intent to have such Lottery drawn, shall forfeit for every such Offence one hundred Pounds, to be recovered by Information, Bill, Complaint, or Action at Law, in any of her Majesty's Courts at Westminster, wherein no Escoin, Wager of Law, nor any more than one Imparlance shall be allowed; one third Part thereof to the Use of her Majesty, her Heirs, and Successors; one other third Part thereof to the Use of the Poor of the Parish where such Offence shall be committed; and the other third Part thereof, together with full Costs, to the Party who shall inform and sue for the same.

No. 4.  
9 Anne, c. 6.

Persons setting up such Lotteries forfeit 100l.

'LVII. And whereas several ill-disposed Persons, with Design to defraud her Majesty's Subjects, have of late presumed to erect and set up Offices or Places, for making Insurances on Marriages, Births, Christnings, or Service, which Practices are also prejudicial to the Publick, and tend to Defraud her Majesty's Subjects; Be it further enacted by the Authority aforesaid, That every Person or Persons, who, after the eighth Day of March one thousand seven hundred and ten, shall erect or set up any Office or Place, for making Assurances on Marriages, Births, Christnings, and Service, or any of them, shall forfeit for every such Offence the Sum of five hundred Pounds, to be recovered and distributed in such Manner as the Penalty of two hundred Pounds last mentioned is to be recovered and distributed; and every Person or Persons, who after the said eighth Day of March, in any Office or Place, before the said eighth Day of March, erected or set up, for making Insurances on Marriages, Births, Christnings, and Service, or on any of them, shall make or suffer to be made therein, any new Insurances, or Contracts for new Insurances on Marriages, Births, Christnings, and Service, or any of them, shall forfeit for every such Offence the Sum of one hundred Pounds to be recovered and distributed in like Manner.

Persons setting up Insurances on Marriages, Births, &c. forfeit 500l.

Contracting for new Insurances in Offices already set up, forfeit 100.

#### No. 5.

9 Anne, c. 14. — An Act for the better preventing of excessive and deceitful Gaming.

[inserted into Part III.]

#### No. 6.

10 Ann, c. 26. — An Act for laying additional Duties on Hides and Skins, Vellum and Parchment, and New Duties on Starch, Coffee, Tea, Drugs, Gilt and

B.

Silver Wire, and Policies of Insurance, to secure a yearly Fund for Satisfaction of Orders to the Contributors of a further Sum of one million eight hundred thousand Pounds towards her Majesty's Supply; and for the better securing the Duties on Candles; and for obviating Doubts concerning certain Payments in *Scotland*; and for suppressing unlawful Lotteries, and other Devices of the same Kind; and concerning Cake Sope; and for Relief of *Mary Ravenall*, in Relation to an Annuity of Eighteen Pounds *per Annum*; and concerning Prize Cocoa Nuts brought from *America*; and certain Tickets which were intended to be subscribed into the Stock of the *South Sea Company*; and for appropriating the Monies granted in this Session of Parliament.

No. 6.  
10 Anne, c. 16.

Clause for  
suppressing un-  
lawful Lotte-  
ries, and other  
Devices of the  
same Kind.

10 & 11 W. 3.  
c. 17.  
9 Anne, c. 6.

CIX. **A**ND whereas notwithstanding the Provision made for suppressing of unlawful Lotteries, by an Act made in the tenth Year of the Reign of the late King *William*, intituled, "An Act for Suppression of Lotteries;" and the further Provision made for suppressing the same, and for the preventing the erecting or setting up any Office or Place for making Insurances on Marriages, Births, Christnings, or Service, by an Act made in the last Session of Parliament, intituled, "An Act for reviving, continuing, and appropriating certain Duties upon several Commodities to be exported, and certain Duties upon Coals to be water-borne and carried coastwise; and for granting further Duties upon Candles for thirty-two Years; to raise fifteen hundred thousand Pounds by Way of a Lottery, for the Service of the Year one thousand seven hundred and eleven; and for suppressing such unlawful Lotteries, and such Insurance Offices, as are therein mentioned," many ill disposed Persons, with Design to evade the said Laws, have of late presumed to erect and set up Offices or Places for making Insurances on Marriages, Births, Christnings, or Service, and also other Offices or Places, under the Denominations of Sales of Gloves, of Fans, of Cards, of Numbers, and of the Queen's Picture, for the Improvement of small Sums of Money; and Advertisements thereof are daily published in the common printed Newspapers, and otherwise; which Practices are prejudicial to the Public, and to the Trade of this Kingdom, and tend to defraud her Majesty's Subjects; Be it further enacted by the Authority aforesaid, That the said Act of the tenth Year of the late King *William*, and also the said Act of the said last Session of Parliament, shall be duly put in Execution for the effectual preventing and suppressing all such unlawful Lotteries and Offices; and further, That every Person, or Persons who, after the twenty-fourth Day of June, in the Year of our Lord one thousand seven hundred and twelve, shall erect, set up, or keep any Office or Place for making Insurances on

Marriages, Births, Christnings, or Service, or any of them, No. 6.  
 or any other Office or Place, under the Denominations of Sales <sup>10 Anne, c. 26.</sup>  
 of Gloves, of Fans, of Cards, of Numbers, of the Queen's  
 Picture, for the Improvement of small Sums of Money, or the  
 like Offices or Places, under the Pretence of improving small  
 Sums of Money, shall forfeit, for every such Offence, the Sum  
 of five hundred Pounds, to be recovered, with Costs of Suit,  
 by Action of Debt, Bill, Plaint, or Information, in any of her  
 Majesty's Courts aforesaid, wherein no Essoin, Protection, Wa-  
 ger of Law, nor any more than one Imparance shall be allow-  
 ed; one third Part thereof to the Use of her Majesty, her Heirs  
 and Successors; one other third Part thereof to the Use of the  
 Poor of the Parish of the Place where the Offence shall be  
 committed; and the other third Part thereof, together with  
 full Costs of Suit, to the Person or Persons who shall inform or  
 sue for the same: And every Printer or other Person, who,  
 after the said twenty-fourth Day of June one thousand seven  
 hundred and twelve, shall, by Writing or Printing, publish  
 the setting up or keeping any such Office or Place under any  
 the Denominations aforesaid, or like Denominations, for the  
 Improvement of small Sums of Money, shall, for every such  
 Offence, forfeit the Sum of one hundred Pounds, to be reco-  
 vered and distributed in such Manner as the Penalty last-men-  
 tioned is to be recovered and distributed; and every Person or  
 Persons who, after the said twenty-fourth Day of June one  
 thousand seven hundred and twelve, in any Office or Place,  
 before the said twenty-fourth Day of June one thousand seven  
 hundred and twelve, erected or set up for making Insurances  
 on Marriages, Births, Christnings, or Service, or under any  
 other the Denominations aforesaid, or any like Denominations,  
 for Improvement of small Sums, shall make or suffer to be made  
 therein, any new Insurance or Contracts for new Insurances  
 on Marriages, Births, Christnings, or Service, or receive any  
 Payments into any the Offices or Places aforesaid, for Improve-  
 ment of small Sums of Money, shall forfeit, for every such  
 Offence, the Sum of one hundred Pounds to be recovered and  
 distributed in like Manner.

## No. 7.

8 George I. c. 4.—An Act for continuing the Duties on  
 Malt, Mum, Cyder and Perry, to raise Money by  
 Way of a Lottery, for the Service of the Year one  
 thousand seven hundred and twenty-two; and for  
 transferring the Deficiencies of a late Malt-Act to  
 the Land-Tax for the said Year; and for giving  
 Time for inserting the Money given with Ap-  
 prentices in their Indentures; and touching lost  
 Bills, Tickets or Orders; and for exchanging



the Tickets in the Exchequer for Certificates; and for suppressing Lotteries denominated Sales, and other private Lotteries; and for enlarging the Time for the Accountant General of the Bank of England to return Duplicates of Annuities into the Exchequer.

No. 7.  
8 George I.  
c. 2.

Clause for the more effectual suppressing unlawful Lotteries, denominated Sales, &c.

Amended and enforced 12 Geo. 2. c. 28.

Persons who, after 21 Dec. 1721, shall erect Offices for Sale, &c. by way of Lottery, &c. shall forfeit 500l. one third to the Crown, another to the Informer, and the other to the Poor where, &c.

XXXVI. **A**ND whereas, notwithstanding the Provision already made by several Acts of Parliament, for suppressing and preventing of unlawful Lotteries, and Offices and Places, under the Denomination of Sales, and taking or making, buying or selling Subscriptions for the Sale of Chances, or Part of Chances, to arise on Tickets made out in Pursuance of any Act of Parliament for a Publick Lottery, many ill-disposed Persons, with a Design to evade such Laws, have of late presumed and do daily presume to erect and set up Offices or Places under the Denomination of Sales of Houses, Land, Plate, Jewels, Ships, Goods and other Things; and also have presumed to make, print and publish, or cause to be made, printed or published, Proposals or Schemes for advancing small Sums of Money by several Persons, amounting in the whole to large Sums, to be divided among them by the Chances of the Prizes in some public Lottery or Lotteries, established or allowed by Act of Parliament, and to deliver out Tickets to the Persons advancing such Sums, to entitle them to a Share of the Money so advanced according to such Proposals, and Advertisements thereof are daily published in the common printed Newspapers and otherwise; which Practices are highly prejudicial to the Public, and to the Trade of this Kingdom, and tend to defraud his Majesty's Subjects: Be it further enacted by the Authority aforesaid, That all and every Person or Persons who, after the twenty-first Day of December, in the Year of our Lord one thousand seven hundred and twenty-one, shall erect, set up, continue or keep, or shall cause or procure to be erected, set up, continued or kept, any Office or Place under the Denomination of Sales of Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods or other Things, for the Improvement of small Sums of Money; or shall sell or expose to Sale any Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods or other Things by way of Lottery, or by Lots, Tickets, Numbers or Figures; or shall make, print, advertise or publish, or cause to be made, printed, advertised or published, Proposals or Schemes for advancing small Sums of Money by several Persons, amounting in the whole to large Sums, to be divided among them by the Chances of the Prizes in some public Lottery or Lotteries, established or allowed by Act of Parliament; or shall deliver out, or cause or procure to be delivered out, Tickets to the Persons advancing such Sums to entitle them to a Share of the Money so advanced according to such Proposals or Schemes; or shall make, print or publish, or cause to be made, printed or published, any Proposal or Scheme

of the like Kind or Nature, under any Denomination, Name or Title whatsoever; and shall be thereof convicted upon the Oath or Oaths of one or more credible Witness or Witnesses, by two or more Justices of the Peace of the County, Division or Liberty where such Offence shall be committed, or the Offender shall be found, (which Oath such Justices of the Peace are hereby impowered and required to administer) the Person so convicted shall for every such Offence, over and above any former Penalties inflicted by any former Act or Acts of Parliament made against any private or unlawful Lotteries, forfeit the Sum of Five hundred Pounds, one third Part thereof to his Majesty, his Heirs and Successors, one other third Part thereof to the Informer, and the remaining third Part thereof to the Poor of the Parish where such Offence shall be committed; the same to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hands and Seals of such Justices before whom such Offender shall be convicted as aforesaid; and shall also for every such Offence by such Justices be committed to the County Gaol, there to remain without Bail or Mainprize, for the Space of one whole Year, and from thence till the said Sum of five hundred Pounds, so forfeited as aforesaid, shall be fully paid and satisfied: Provided nevertheless; that any Person who shall think himself or herself aggrieved by the Judgment or Determination of two or more such Justices, in any the Cases aforesaid, shall have Liberty to appeal to the next Quarter-Sessions to be held for the County, City or Place where such Judgment or Determination shall be made or given: and that the Judgment to be given by the Justices at the said next Quarter-Sessions shall be final.

No. 7.  
3 George 1.  
c. 2.

Persons ag-  
grieved may ap-  
peal to the Quar-  
ter Sessions.

XXXVII. And be it further enacted by the Authority aforesaid, That all and every Person and Persons who, after the Time aforesaid, shall be Adventurer or Adventurers in, or shall pay any Money or other Consideration, or any ways contribute unto, or upon the Account of any such Sales, Lotteries, Proposals or Schemes aforesaid, shall forfeit for every such Offence double the Sum paid or contributed, to be recovered with Costs of Suit by Action of Debt, Bill, Plaint or Information in any of his Majesty's Courts of Record at Westminster, wherein no Escaim, Protection, Wager of Law, nor any more than one Impurance shall be allowed; one Moiety thereof to his Majesty, his Heirs and Successors, the other Moiety thereof to the Person or Persons who shall inform or sue for the same.

Persons con-  
tributing to Sales  
&c. to forfeit  
double the Sum  
contributed, one  
Moiety to the  
Crown, the  
other to the In-  
former.

No. 8.

9. George I. c. 19.—An Act to continue the Duties for Encouragement of the Coinage of Monies; and for Relief of *William* late Lord *Widdrington*; and to prevent foreign Lotteries being carried on in this Kingdom;

13.

and for ascertaining the Duties on bound Books imported; and for issuing Certificates and Debentures due to five Regiments, to be satisfied by Annuities therein mentioned; and for discharging the Duties of Rock-Salt lost on the Rivers *Weaver* and *Mercy*; and for limiting the Times of Continuance of Commissioners for forfeited Estates in *England* and *Scotland* respectively; and for appropriating the Supplies granted to his Majesty in this Sessions of Parliament; and to rectify Misnomers and Omissions of Commissioners for the Land-Tax in the Year one thousand seven hundred and twenty-three.

No. 8.  
9 George I.  
c. 19.

Clause to prevent foreign Lotteries being carried on in this Kingdom.

Penalty.

IV. **A**ND whereas, in order to elude the many good Laws made for suppressing unlawful Lotteries, several evil-disposed Persons have of late presumed to erect and carry on several Lotteries, upon Pretence and Colour of some Grant or Authority given by foreign Princes or States; For the better preventing of which illegal Practices for the future, Be it declared and enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the first Day of July one thousand seven hundred and twenty-three, by Virtue or Colour of any Grant or Authority from any foreign Prince, State or Government whatsoever, erect, set up, continue or keep, or shall cause or procure to be erected, set up, continued or kept, any Lottery or Undertaking in the Nature of a Lottery, under any Denomination whatsoever, or shall make, print or publish, or cause to be made, printed or published, any Proposal or Scheme for any such Lottery or Undertaking, or shall within this Kingdom sell or dispose of any Ticket or Tickets in any foreign Lottery, and shall be convicted of any of the said Offences, upon the Oath or Oaths of one or more credible Witness or Witnesses, by two or more Justices of the Peace of the County, Division or Liberty where such Offence shall be committed, or the Offender shall be found (which Oath such Justices of the Peace are hereby impowered and required to administer) the Person so convicted shall, for every such Offence, over and above any former Penalties inflicted by any former Act or Acts of Parliament made against unlawful Lotteries, forfeit the Sum of two hundred Pounds; one third Part thereof to his Majesty, his Heirs, and Successors, one other third Part thereof to the Informer, and the remaining third Part thereof to the Poor of the Parish where such Offence shall be committed; the same to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hands and Seals of such Justices before whom such Offender shall be convicted as aforesaid, and shall also for every such Offence by such Justices be committed to the County Gaol, there to remain without Bail or Mainprize for the Space of one whole Year, and from thence till the said Sum of two hundred

Pounds, so forfeited as aforesaid, shall be fully paid and satisfied.

V. Provided nevertheless, That any Person, who shall think him or herself aggrieved by the Judgment or Determination of such Justices in any the Cases aforesaid, shall have Liberty to appeal to the next Quarter-Sessions to be held for the County, City or Place where such Judgment or Determination shall be made or given, and that the Judgment to be given by the Justices of the next Quarter-Sessions shall be final.

No. 8.  
9 George 1.  
c 19.  
Appeal to  
Quarter Ses-  
sions.

## No. 9.

2 George II. c. 28.—An Act to revive the Laws therein mentioned, relating to the Importation of foreign Brandy, and other Waters and Spirits; for Importation of Cochineal; to continue several Acts for preventing Frauds in the Customs; for Encouragement of the Silk Manufactures of this Kingdom; for making Copper Ore of the *British* Plantations an enumerated Commodity; for making perpetual an Act therein mentioned for suppressing of Piracy; for enabling Persons prosecuted upon the *Capias*, in Relation to the running of Goods, to defend in *Forma Pauperis*; for more effectual debarring of unlawful Games; for licensing Retailers of Brandy, and other distilled Liquors, and for better Regulation of Licences for common Inns and Alehouses.

p.

IX. **A**ND whereas a good and profitable Statute was made in the three and thirtieth Year of the Reign of King *Henry* the Eighth (among other Things) for the debarring of unlawful Games: And whereas by the said Statute no Power is given unto the Justices of the Peace, to demand and take from Persons found playing contrary to Law, any other Security than their own Recognizances, that they or any of them shall not from thenceforth use such unlawful Games, unless such Persons are so found playing contrary to Law upon the View of one or more Justice or Justices of the Peace: For Remedy thereof, Be it further enacted by the Authority aforesaid, That where it shall be proved upon the Oath of two or more credible Witnesses, before any Justice or Justices of the Peace, as well as where such Justice or Justices shall find, upon his or their own View, that any Person or Persons have or hath used or exercised any unlawful Game contrary to the said Statute, the said Justice or Justices shall have full Power and Authority to commit all and every such Offender or Offenders to Prison, without Bail or Mainprize, unless and until such Offender and Offenders shall enter into one or more Recognizance or Recognizances, with Sure-

No. 9.  
2 George II.  
c 28.  
Act Hen.  
8 c 9. against  
unlawful Games  
made mor ef-  
fectual.

- No. 9. ties or without, at the Discretion of the said Justice or Justices  
 2 George II. of the Peace, that he or they respectively shall not from thence-  
 c. 28. forth play at or use such unlawful Game.

## No. 10.

6 Geo. II. c. 35.—An Act for appointing Commissioners to examine, state and report who of the Sufferers in the *Charitable Corporation* are Objects of Compassion, according to the Descriptions therein mentioned, and for giving Relief to such Sufferers; and for enforcing the *Latus nactus* against foreign Lotteries; and for empowering the said Commissioners to hear and determine the Claims of such Creditors and Proprietors of the said Corporation, as have not made their Claims within the Time limited by an Act made in the last Session of Parliament, “for taking, stating and determining all the Claims and Demands of the Creditors of the said Corporation, and of all Persons claiming any Share or Interest in the said Stock or Fund of the said Corporation.”

- No. 10. • XXIX. **A**ND whereas in an Act which passed in the  
 6 George II. ninth Year of his late Majesty's Reign,  
 c. 35. intituled, “An Act to continue the Duties for Encouragement  
 9 Geo. 2. c. 19. of the Coinage of Money, and for Relief of *William* late Lord  
 • *Widdrington*, and to prevent foreign Lotteries being carried  
 • on in this Kingdom, and for ascertaining the Duty on bound  
 • Books imported, and for issuing Certificates and Debentures  
 • for Arrears due to five Regiments, to be satisfied by Annuities  
 • therein mentioned, and for discharging the Duties on Rock  
 • Salt lost on the Rivers *Wear* and *Mercy*, and for limiting the  
 • Times of Continuance of Commissioners for forfeited Estates  
 • in *England* and *Scotland* respectively, and for appropriating the  
 • Supplies granted to his Majesty in this Session of Parliament,  
 • and to rectify Misnomers and Omissions of Commissioners  
 • for the Land Tax in the Year one thousand seven hundred  
 • and twenty-three.” Provision is made against selling or dis-  
 • posing of any Tickets in any Foreign Lottery, under the  
 • Penalty of forfeiting two hundred Pounds; and suffering one  
 • Year's Imprisonment for every such Offence; yet in Eva-  
 • sion of the said Law, and to the great Prejudice and Damage  
 • of many of his Majesty's good Subjects, several evil minded  
 • Persons have undertaken to keep Offices for the issuing of  
 • Tickets or Receipts for Numbers in several foreign Lotteries,  
 • or Clases of such Lotteries, or have made Duplicates of  
 • such Lotteries, contrary to the true Intent and Meaning of  
 • the said Act: For Remedy whereof, be it further enacted  
 • by the Authority aforesaid, That from and after the twenty-  
 • fourth Day of June one thousand seven hundred and thirty-

three, if any Person or Persons shall sell, procure or deliver any Ticket, Receipt, Chance or Number in or belonging to any foreign Lottery or pretended foreign Lottery, or in or belonging to any Class, Part or Division of such Lottery, or pretended Lottery, or in or belonging to any Undertaking whatsoever in the Nature of a Lottery, or shall sell, procure or deliver any Ticket, Receipt, Chance or Number in or belonging to any Duplicate or pretended Duplicate of any foreign Lottery or pretended foreign Lottery, or shall receive or cause to be received, any Money whatsoever for any such Ticket, Receipt, Chance or Number, or for or in Consideration of any Money to be repaid, in case any Ticket or Tickets, Number or Numbers in any foreign Lottery or pretended foreign Lottery, or any Class, Part or Division thereof, shall prove fortunate, and shall be convicted of any of the said Offences, upon Action of Debt, Bill, Plaint or Information in any of his Majesty's Courts of Record at Westminster, (in which no Essoin, Privilege, Protection or Wager of Law, or more than one Imparance shall be allowed) or upon the Oath or Oaths, or Affirmation or Affirmations, of one or more credible Witness or Witnesses, before two or more Justices of the Peace of the County, Division or Liberty where such Offence shall be committed, or the Offender shall be found, (which Oath or Affirmation such Justices of the Peace are hereby impowered and required to administer or give) the Person so convicted shall, for every such Offence, forfeit the Sum of two hundred Pounds, one third Part thereof to the Use of his Majesty, his Heirs and Successors, one third Part thereof to him, her, or them who shall sue for the same, or make Information of the Offence, and the remaining third Part thereof to the Poor of the Parish where such Offence shall be committed; the same (in case of Conviction before two Justices) to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hands and Seals of such Justices before whom such Offender shall be convicted; and shall also, for every such Offence, by the Court or by such Justices as the Case shall happen, be committed to the County Gaol, there to remain, without Bail or Mainprize, for the Space of one whole Year, and from thence till the said Sum of two hundred Pounds so forfeited as aforesaid, shall be fully paid and satisfied.

XXX. Provided nevertheless, That any Person who shall think him or herself aggrieved by the Judgment or Determination of such Justices in any of the Cases aforesaid, shall have Liberty to appeal to the next Quarter-Sessions to be held for the County, City, or Place where such Judgment or Determination shall be made or given, and that the Judgment to be given by the Justices of the next Quarter-Sessions shall be final.

XXXI. And whereas by Reason of the Absence of several Persons, being Creditors and others of the said Corporation, and of other Impediments and Disabilities, their

No. 10.  
6 George II.  
c. 35.  
200l Penalty  
on Persons selling  
or procuring  
Chances in foreign  
Lotteries  
after 24 June  
1733.  
See farther,  
12 Geo. 2, c. 28.  
13 Geo. 2, c. 19.  
29 Geo. 2, c. 7.

Appeal to the  
Quarter-Sessions,  
whose Determination  
shall be final.

Relief for  
Claims not determined in this

No. 10. ' respective Claims could not be received, heard, adjusted and  
 6 George II. ' determined within the Time limited and prescribed by the  
 c. 35. ' Act herein first recited ;' Be it therefore enacted by the Authority  
 Time limited by the former Act. aforesaid, That the said *Robert Holford, John Bennet, James Lightbourn, William Kynaston and Francis Elde*, or any three or more of them, shall have full Power and Authority to state and ascertain the Accounts, and to hear and determine the Claims and Demands of all and every such Person and Persons, being Creditors of the said Corporation, or intitled to any Share or Shares in the Stock or Fund of the said Corporation or any Ways interested in any of the Effects of or belonging to the same, as have not made and entered their respective Claims in the Manner and within the Time limited, directed and prescribed by the said Act ; provided the said Claims be made on or before the twenty-fifth Day of *December* in the Year of our Lord one thousand seven hundred and thirty-three ; any Thing contained in the said Act to the contrary notwithstanding.

## No. 11.

12 George II. c. 28.—An Act for the more effectual preventing of excessive and deceitful Gaming.

No. 11. ' WHEREAS in and by an Act of Parliament made  
 12 George II. ' and passed in the tenth and eleventh Years of  
 c. 28. ' the Reign of his late Majesty King *William* the Third, intituled, " An Act for suppressing of Lotteries ;" after reciting,  
 1c & 11 W. 3. ' that for divers Years before making the said Act several evil-  
 c. 17. ' disposed Persons had set up many unlawful Games called Lotteries, not only in the City of *London* and *Westminster* and in the Suburbs thereof, but in most of the ancient Towns and Places in *England* and the Dominion of *Wales* ; and had thereby most unjustly and fraudulently gotten to themselves great Sums of Money from the Children and Servants of several Gentlemen, Traders and Merchants, and from other unwary Persons, to the utter Ruin and Impoverishment of many Families, it is declared and enacted, That all such Lotteries, and all other Lotteries, are common and publick Nuisances : And whereas in order to suppress all such Lotteries, it is in and by the said Statute enacted and declared, That from and after the twenty-ninth Day of *December* which shall be in the Year of our Lord one thousand six hundred and ninety-nine, no Person or Persons whatsoever shall publickly or privately, exercise, keep open, shew, or expose to be played at, drawn or thrown at, or shall draw, play or throw at any such Lottery, or other Lotteries, either by Dice, Lots, Cards, Balls, or any other Number or Figures, or any other way whatsoever, under such Penalties as in the said Act are mentioned and set forth ; which said Statute is enforced by an Act of Parliament made in the ninth Year of the Reign of her late Majesty Queen *Anne*, intituled,

" An Act for reviving, continuing and appropriating No. 11.  
 ' certain Duties upon several Commodities to be exported, and 12 George 11.  
 ' certain Duties upon Coals to be water-borne and carried c. 28.  
 ' coastwise; and for granting further Duties upon Candles for 9 Annæ, c. 6.  
 ' thirty-two Years; to raise fifteen hundred thousand Pounds § 56  
 ' by way of a Lottery, for the Service of the Year one thou- 10 Ann, c. 26,  
 ' sand seven hundred and eleven; and for suppressing such § 109.  
 ' unlawful Lotteries and such Insurance-Offices as are therein  
 ' mentioned:" And whereas in and by one other Act of Par-  
 ' liament made and passed in the eighth Year of the Reign of 8 Geo. 1, c. 1,  
 ' his late Majesty King George the First, intituled, " An Act § 36.  
 ' for continuing the Duties on Malt, Mum, Cyder and Perry,  
 ' to raise Money by way of a Lottery, for the Service of the  
 ' Year one thousand seven hundred and twenty-two; and for  
 ' transferring the Deficiencies of a late Malt Act to the Land  
 ' Tax for the said Year; and for giving Time for inserting the  
 ' Money given with Apprentices in their Indentures; and  
 ' touching lost Bills, Tickets or Orders; and for exchanging  
 ' the Tickets in the Exchequer for Certificates; and for  
 ' suppressing Lotteries denominated Sales, and other private  
 ' Lotteries; and for enlarging the Time for the Accountant  
 ' General of the Bank of England to return Duplicates of 9 Geo. 1, c. 19  
 ' Annuities into the Exchequer;" it is enacted, That all  
 ' and every Person or Persons, who, after the twenty-first  
 ' Day of December in the Year of our Lord one thousand  
 ' seven hundred and twenty one, shall erect, set up, continu-  
 ' or keep, or shall cause or procure to be erected, set up,  
 ' continued or kept, any Office or Place, under the Denomination  
 ' of Sales of Houses, Lands, Advowsons, Presentations to Liv-  
 ' ings, Plate, Jewels, Ships, Goods, or other Things, for the  
 ' Improvement of small Sums of Money, or shall sell, or  
 ' expose to Sale any Houses, Lands, Advowsons, Presenta-  
 ' tions to Livings, Plate, Jewels, Ships, Goods, or other  
 ' Things, by way of Lottery, or by Lots, Tickets, Numbers  
 ' or Figures; or shall make, print, advertise or publish, or  
 ' cause to be made, printed, advertised or published, Pro-  
 ' posals or Schemes for advancing small Sums of Money by  
 ' several Persons, amounting in the whole to large Sums, to be  
 ' divided among them by the Chances of the Prizes in some  
 ' public Lottery or Lotteries established or allowed by Act of  
 ' Parliament; or shall deliver out, or cause or procure to be  
 ' delivered out, Tickets to the Persons advancing such Sums, to  
 ' entitle them to a Share of the Money so advanced, according  
 ' to such Proposals or Schemes; or shall make, print or pub-  
 ' lish, or cause to be made, printed, or published, any Proposal  
 ' or Scheme of the like Kind or Nature under any Denomi-  
 ' nation, Name, or Title whatsoever, and shall be thereof  
 ' convicted upon the Oath or Oaths of one or more credible  
 ' Witness or Witnesses, by two or more Justices of the Peace of  
 ' the County, Division, or Liberty where such Offence shall  
 ' be committed, or the Offender shall be found, which Oath  
 ' such Justices of the Peace are hereby empowered and required



No. 11.  
12 George II.  
c. 28.

to administer; the Person so convicted shall, for every such Offence, over and above any former Penalties inflicted by any former Act or Acts of Parliament made against any private or unlawful Lotteries, forfeit the Sum of five hundred Pounds, one third Part thereof to his Majesty, his Heirs and Successors, and one other third Part thereof to the Informer, and the remaining third Part thereof to the Poor of the Parish where such Offence shall be committed; the same to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hands and Seals of such Justices, before whom such Offender shall be convicted as aforesaid; and shall also for every such Offence, by such Justices be committed to the County Gaol, there to remain without Bail or Mainprize for the Space of one whole Year, and from thence till the Sum of five hundred Pounds so forfeited as aforesaid, shall be fully paid and satisfied; Provided nevertheless, That any Person who shall think himself or herself aggrieved by the Judgment or Determination of two or more such Justices in any the Cases aforesaid, shall have Liberty to appeal to the next Quarter Sessions to be held for the County, City, or Place where such Judgment or Determination shall be made or given; and that the Judgment to be given by the Justices of the said next Quarter Sessions shall be final: And whereas it is found by Experience, that the said good and wholesome Laws have not effectually answered the good Ends, Intents and Purposes in and by the said Acts designed; but that, contrary to the true Intent and Meaning of the said recited Acts, several deceitful Games and Subscriptions are daily carried on under the Denomination of Sales of Houses, Lands, Plate, Jewels, Goods and other Things; and that several Printers have printed, published, or caused to be printed and published, Proposals or Schemes for the Sale of such Houses, Lands, Plate, Jewels, Goods and other Things, to be determined by Raffles, by Mathematical Machines or Engines, and by other indirect Ways and Means, tending to evade the said good and wholesome Laws before mentioned: And whereas several Persons have for many Years past carried on and set up certain fraudulent Games and Lotteries, to be determined by the Chance of Cards and Dice, under the Denomination of the Games of the Ace of Hearts, Pharaoh, Basses and Hazard, and thereby defrauded several of his Majesty's Subjects, ignorant of the great Disadvantage Adventurers in the said Games and Lotteries so denominated the Games of the Ace of Hearts, Pharaoh, Basses or Hazard, are under, subject and liable to: And whereas several Doubts have arisen, whether the said Games of the Ace of Hearts, Pharaoh, Basses and Hazard, are within the Descriptions of the Lotteries prohibited by the said recited Acts of Parliament: And whereas great Difficulties have arisen upon the Methods of Conviction of the Offenders against the said Acts of Parliament; For Remedy whereof, and for explaining and making more effectual the said Acts of

Parliament, may it please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, after the twenty-fourth Day of June, one thousand seven hundred and thirty-nine, erect, set up, continue, or keep, any Office or Place, under the Denomination of a Sale or Sales of Houses, Land, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods, or other Things by way of Lottery, or by Lots, Tickets, Numbers or Figures, Cards or Dice; or shall make, print, advertise or publish, or cause to be made, printed, advertised or published, Proposals or Schemes for advancing small Sums of Money by several Persons, amounting in the whole to large Sums, to be divided among them by Chances of the Prizes in some publick Lottery or Lotteries established or allowed by Act of Parliament, or shall deliver out, or cause or procure to be delivered out, Tickets to the Persons advancing such Sums, to intitle them to a Share of the Money so advanced, according to such Proposals or Schemes; or shall expose to Sale any Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships or other Goods, by any Game, Method, or Device whatsoever, depending upon, or to be determined by any Lot or Drawing, whether it be out of a Box or Wheel, or by Cards or Dice, or by any Machine, Engine, or Device of Chance of any Kind whatsoever; such Person or Persons, and every or either of them, shall, upon being convicted thereof, before any one Justice of the Peace for any County, Riding, or Division, or before the Mayor, or other Justice or Justices of the Peace for any City or Town Corporate, upon the Oath or Oaths of one or more credible Witness or Witnesses (which said Oaths the said Justices of the Peace, and Mayor, are hereby authorized, empowered and required to administer) or upon the View of such Justice or Justices, or the Mayor, Justice or Justices for any City or Town Corporate, or on the Confession of the Party or Parties accused; shall forfeit and loose the Sum of two hundred Pounds, to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hands and Seals of one or more Justice or Justices of the Peace of such County, Riding, Division, City or Town, where the Offence shall be committed; which said Forfeitures, when recovered, after deducting the reasonable Charges of such Prosecution, shall go and be applied, one third thereof to the Informer, and the remaining two thirds to the Use of the Poor of the Parish where such Offence shall be committed, excepting the said two thirds of such Forfeitures which shall be incurred by, and recovered upon, any Person or Persons, within the City of Bath, which said two thirds shall go and be applied to and for the Use and Benefit of the Poor residing within the Hospital or Infirmary lately erected for the Benefit of poor Persons resorting to the said City for the Benefit of the Mineral Waters, after deducting the Charges of Conviction as aforesaid.

No. 11.  
12 George II.  
c. 28.

200l. Penalty  
on any Offence  
against this Act.

The same  
how to be levied  
and applied.

No. 11.  
12 George II.  
c. 28.

Games with-  
in the Intent of  
the Act.

II. And it is hereby enacted and declared, That the said Games of the Ace of Hearts, Pharaoh, Basset and Hazard are, and are hereby declared to be Games or Lotteries by Cards or Dice within the Intent and Meaning of the said in Part recited Acts; and that all and every Person or Persons, who shall set up, maintain or keep the said Games of the Ace of Hearts, Pharaoh, Basset and Hazard, shall be subject and liable to all and every the Penalties and Forfeitures in and by this Act inflicted upon any Person or Persons, who shall erect, set up, continue, or keep any of the said Games or Lotteries in this present Act mentioned; and shall be prosecuted and convicted, and the Penalties and Forfeitures shall be sued for and recovered, in like Manner as the said Penalties and Forfeitures are by this Act directed to be sued for and recovered.

Penalty on  
the Adventur-  
ers.

III. And be it further enacted by the Authority aforesaid, That all and every Person and Persons, who shall be Adventurers in any of the said Games, Lottery or Lotteries, Sale or Sales; or shall play, set at, stake or punt at either of the said Games of the Ace of Hearts, Pharaoh, Basset and Hazard, and shall be thereof convicted in such Manner and Form as in and by this Act is prescribed; every such Person or Persons shall forfeit and lose the Sum of fifty Pounds, to be sued for and recovered as aforesaid.

Sales by Lot-  
teries void;

and Lands, &c.  
forfeited.

IV. And it is hereby further enacted by the Authority aforesaid, That all and every such Sale or Sales of Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods, or other Things, by any Game, Lottery or Lotteries, Machine, Engine, or other Device whatsoever, depending upon, or to be determined by Chance or Lot, shall and are hereby declared to be void to all Intents and Purposes whatsoever: And all such Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods or other Things, set up and exposed to Sale in Manner and Form aforesaid, shall be forfeited to such Person or Persons who shall sue for the same, by Action, Bill, Plaint or Information, in any of his Majesty's Courts of Record, or at the Assizes for any County where the Offence shall be committed; in which Action, Bill, Plaint or Information, no Escon, Protection, Wager of Law, or more than one Imparance shall be allowed.

Appeal.

V. Provided always, and it is hereby declared and enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by the Judgment or Determination of any Justice or Justices of the Peace or Mayor as aforesaid, upon any Conviction of or for any of the Offences in this Act; such Person or Persons may appeal from the said Judgment of the said Justice or Justices or Mayor to the next General Quarter Sessions of the Peace for the said County, Riding, Division, City, or Place where such Person or Persons was or were convicted; but the Person and Persons so appealing shall, and he, she and they are hereby directed to give reasonable Notice to the Prosecutor or Prosecutors of such Person or Persons as shall so appeal, of such, his, her, or their Intention of bringing and prosecuting such Appeal, and shall enter into a Recognizance

before some Justices of the Peace for the County, Riding, Division, City, or Place wherein the Conviction or Judgment was made or given, with two sufficient Sureties, on Condition to try such Appeal at the next Quarter Sessions, which shall be held in and for the County, Riding, Division, City or Place wherein such Conviction or Judgment was made or given, next and immediately after the bringing such Appeal; and every such Appeal and Appeals shall, by the Court at the said next General Quarter-Sessions, to which such Appeal and Appeals is or are made, be then examined, and the Matter then finally heard and determined, and not afterwards; and in case such Judgment, Determination or Conviction as aforesaid, shall be then and there affirmed, the Party appealing shall pay unto the Prosecutor or Prosecutors his, her, or their Treble Costs; and such Prosecutor and Prosecutors shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

No. 11.  
George II.  
c. 28.

VI. Provided always, and be it further enacted by the Authority aforesaid, That no such Conviction made, or Judgment given as aforesaid, by this Act, shall be set aside by the said Court of Quarter-Sessions for want of Form, in case the Facts alledged in the said Conviction shall be proved to the Satisfaction of the said Court; nor shall such Conviction or Judgment be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, until such Order or other Proceedings shall have been first removed to, and Judgment and Determination given and made thereupon, by such Court of Quarter Sessions as aforesaid.

Convictions.

VII. Provided also, and be it further enacted by the Authority aforesaid, That no Writ of *Certiorari* or other Process shall issue or be issuable to remove the Record of any such Conviction from the said Court of Quarter-Sessions, or to remove any Order or other Proceedings taken or made by the said Court of Quarter-Sessions upon, touching or concerning such Conviction, into any of his Majesty's Courts of Record at *Westminster*, until the Party or Parties against whom such Conviction shall be made, before the Allowance of such Writ of *Certiorari* or other Process, shall find two sufficient Sureties to become bound to the Prosecutor in the Sum of one hundred Pounds, with Condition to prosecute the same with Effect within six Calendar Months, and to pay unto the Prosecutor or Prosecutors his, her, or their Treble Costs and Charges, in case such Order or Conviction shall be affirmed.

Record removable, upon tool. Security.

VIII. And it is hereby further enacted and declared, That if any Person or Persons who shall be convicted of erecting, setting-up, maintaining or keeping any of the said Lotteries, or the said Games of the Ace of Hearts, Pharaoh, Basset or Hazard, or therein or in either of them shall adventure, and shall not have sufficient Goods and Chattels whereon to levy the Penalties inflicted by this Act, or shall not immediately pay the

Offenders not able to pay the Penalties, to be imprisoned

No. 11.  
12 George II.  
c. 28.

said Penalties, or give Security for the same; it shall and may be lawful for the said Justice or Justices, before whom such Person shall be convicted as aforesaid, to commit such Person or Persons to the common Gaol of the County, Riding, Division, City or Place where such Offence shall be committed, there to continue and remain for any Time not exceeding six Months.

Penalty on  
Neglect of Jus-  
tices or Mayors.

IX. And be it also enacted, That if any Justice of the Peace, or any other Justice herein before described, or Mayor of any Corporation, shall neglect or refuse to do what is required of him and them by this Act; such Justices and Mayors so neglecting or refusing shall respectively forfeit and pay the Sum of ten Pounds for each Offence; one Moiety whereof to be paid to any Person or Persons who shall sue for the same, and the other Moiety thereof to the Poor of the Parish or Place where such Offence shall be committed; and shall be recovered with full Costs of Suit, by Action, Bill, Plaint, or Information in any of his Majesty's Courts of Record, or at the Assize for any County; in which Action, Bill, Plaint, or Information, no Essoin, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; such Prosecution being commenced within six Months next after such Refusal of such Justices or Mayor.

This Act not  
to hinder any  
Games in Pala-  
ces where the  
King resides,  
nor to affect the  
Right to any  
Lands, &c. held  
by Lot.

X. Provided always, and it is hereby enacted and declared, That nothing in this Act, or in any former Acts against Gaming contained, shall extend to prevent or hinder any Person or Persons from gaming or playing at any of the Games in this or in any of the said former Acts mentioned within any of his Majesty's Royal Palaces, where his Majesty, his Heirs or Successors shall then reside.

XI. Provided always, and it is hereby further enacted and declared, That nothing herein contained shall extend, or be in any ways construed, deemed, or taken to extend, or in any Sort to affect or prejudice any Estate or Interest in, out of, or to any Manors, Honours, Royalties, Lands, Tenements, Advowsons, Presentations, Rents, Services and Hereditaments, whatsoever, which shall and may at any Time or Times hereafter be according to the Laws now in being legally allotted to, or held by, or by Means of any Allotment or Partition by Lots; but that all Persons, whether now or that shall hereafter become, really and truly, Sole or Part-owners, Joint-tenants, and Tenants in Common of any Manors, Honours, Royalties, Lands, Tenements, Advowsons, Presentations, Rents, Services, and Hereditaments, shall, and he, she, and they, and his, her, and their Heirs and Assigns is and are hereby made and continued capable to accept and take such Estates and Interest, and Parts therein, in such and the like Manner, and to such and the like Uses, as he, she, or they might, would, or could have done by, or by virtue, or in consequence of any Lot, Scroll, Chance, or Allotment whatsoever, had this present Act never been made; any Thing herein contained to the contrary thereof notwithstanding.

XII. And he it further enacted by the Authority aforesaid, That if any Suit or Action shall be commenced or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, every such Suit or Action shall be commenced within three Calendar Months, next after the Fact was committed, and not afterwards; and shall be laid or brought in the County, City, or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant and Defendants therein shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at the Trial to be had thereupon, and that the same was done in pursuance of or by the Authority of this Act; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, Suit or Suits, or if upon Demurrer Judgment shall be given for the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and have like Remedy for the same, as any Defendant or Defendants hath or have for Costs in any other Cases by Law.

No. 11.  
12 George II.  
c. 28

Limitation of  
Actions.

General Issue.

Treble Costs

### No. 12.

13 George II. c. 19.—An Act to restrain and prevent the excessive Increase of Horse Races, and for amending an Act made in the last Session of Parliament, intituled, “An Act for the more effectual preventing of excessive and deceitful Gaming.”

‘WHEREAS the great Number of Horse Races for small Plates, Prizes, or Sums of Money, have contributed very much to the Encouragement of Idleness, to the Impoverishment of many of the meaner Sort of the Subjects of this Kingdom, and the Breed of strong and useful Horses hath been much prejudiced thereby; For Remedy thereof, may it please your most Excellent Majesty, that it may be enacted; and be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of June one thousand seven hundred and forty, no Person or Persons whatsoever shall enter, start, or run any Horse, Mare, or Gelding for any Plate, Prize, Sum of Money, or other Thing, unless such Horse, Mare, or Gelding shall be truly and bona fide the Property of and belonging to such Person, so entering, starting, or running the same Horse, Mare, or Gelding; nor shall any one Person enter and start more than one Horse, Mare, or Gelding, for one and the same Plate, Prize, Sum of Money, or other Thing; and in case any Person or Persons shall, after the said twenty-fourth Day of June one thousand seven hundred and forty, enter, start, or run any Horse, Mare, or Gelding, not being the Property truly and bona fide of such Person so entering, starting, or

No. 12.  
13 George II.  
c. 19.

Horses to be  
entered by the  
Owners.

and no more  
than one at  
Time

No. 12.  
13 George II.  
c. 19.

running the same for any Plate, Prize, Sum of Money, or other Thing, the said Horse, Mare, or Gelding, or the Value thereof, shall be forfeited, to be sued for and recovered, and disposed of in Manner as is hereinafter mentioned; and in case any Person or Persons shall enter and start more than one Horse, Mare, or Gelding, for one and the same Plate, Prize, or Sum of Money, or other Thing, every such Horse, Mare, or Gelding, (other than the first entered Horse, Mare, or Gelding), or the Value thereof, shall be forfeited, to be sued for and recovered, and disposed of, in Manner as herein after is mentioned.

No Plate to  
be run for un-  
der 50l. Value.

II. And be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth day of June one thousand seven hundred and forty, no Plate, Prize, Sum of Money, or other Thing, shall be run for by any Horse, Mare, or Gelding, or advertised, published, or proclaimed, to be run for by any Horse, Mare, or Gelding, unless such Plate, Prize, or Sum of Money shall be of the full, real, and intrinsic Value of fifty Pounds, (1) or upwards; and in case any Person or Persons shall, from and after the twenty-fourth Day of June, one thousand seven hundred and forty, enter, start, or run, any Horse, Mare, or Gelding, for any Plate, Prize, Sum of Money, or other Thing of less Value than fifty Pounds, or shall make, print, advertise, publish, or proclaim any Advertisement or Notice of any Plate, Prize, Sum of Money, or other Thing of less Value than fifty Pounds as aforesaid, to be run for by any Horse, Mare, or Gelding; every such Person or Persons so entering, starting, or running such Horse, Mare or Gelding, for such Plate, Prize, Sum of Money, or other Thing of less Value than fifty Pounds as aforesaid, shall forfeit and lose the Sum of two hundred Pounds, to be sued for, recovered, and disposed of in such Manner as is herein after prescribed and directed; and every Person or Persons who shall make, print, publish, advertise or proclaim any Advertisement or Notice of any Plate, Prize, Sum of Money, or other Thing of less Value than fifty Pounds aforesaid, to be run for by any Horse, Mare or Gelding, shall forfeit and lose the Sum of one hundred Pounds.

on Penalty of  
200l.

5 Years old  
Horses to carry  
10 Stone.

III. And be it further enacted by the Authority aforesaid, That from and after the twenty-fourth Day of June one thousand seven hundred and forty, no Horse, Mare, or Gelding, being of the Age of five Years, shall be entered, started, or run, for any Plate, Prize Sum of Money, or other Thing whatsoever, unless such Horse, Mare, or Gelding shall carry ten Stone Weight, computing fourteen Pounds to each Stone Weight; and that no Horse, Mare, or Gelding, being of the Age of six Years, shall be entered, started, or run for any Plate, Prize, Sum of Money, or other Thing whatsoever, unless such

6 Years old  
11 Stone.

(1.) A Race between two Persons for £25 a Side, one giving the other £5, is a Race for £50, to which the one contributes £30 and the other £20; Bidmead v. Gale, 4 Burr. 2432. No Action can be brought upon a Wager on a Race prohibited by this Clause: Johnson v. Baun, 4 T. R. 1.

Horse, Mare, or Gelding shall carry eleven Stone Weight, computing fourteen Pounds to each Stone Weight; and that no Horse, Mare, or Gelding, being of the Age of seven Years, shall be entered, started, or run for any Plate, Prize, Sum of Money, or other Thing whatsoever, unless such Horse, Mare, or Gelding shall carry twelve Stone Weight, computing fourteen Pounds to each Stone Weight; and in case any Person or Persons shall enter, start, or run any Horse, Mare, or Gelding, of either of the Ages aforesaid, for any Plate, Prize, or Sum of Money, or other Thing, carrying less than the Weights herein before directed to be carried, such Horse, Mare, or Gelding, or the Value thereof, shall be forfeited, and the Person or Persons so entering, starting, or running such Horse, Mare, or Gelding, shall forfeit and lose the Sum of two hundred Pounds.

No. 12.  
13 George 11.  
c. 19.  
7 Years old  
12 Stone.

*This clause is repeated by 18 Geo 2 c. 34. § 11 See 4 Pur 2437.*

IV. Provided also, That every Race that shall be hereafter run for any Plate, Prize, or Sum of Money, be begun and ended in the same Day.

Races to be begun and ended in one Day.

V. And be it further enacted by the Authority aforesaid, That from and after the twenty-fourth Day of June one thousand seven hundred and forty, no Person or Persons whatsoever shall start or run any Match with or between any Horse, Mare, or Gelding, for any Sum of Money, Plate, Prize, or other Thing, whatsoever, unless such Match shall be started or run at Newmarket Heath, in the Counties of Cambridge, and Suffolk, or Black Hambleton, in the County of York, or the said Sum of Money, Plate, Prize, or other Thing be of the real and intrinsic Value of fifty Pounds, or upwards: And in Case any Person or Persons shall start or run any such Match at any other Place than Newmarket Heath or Black Hambleton aforesaid, or for any Plate, Prize, Sum of Money, or other Thing of less Value than fifty Pounds, every such Person or Persons shall forfeit and lose the Sum of two hundred Pounds.

Matches to be at Newmarket and Black Hambleton only, and for not less than 50l

VI. And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures incurred by any Person or Persons for any Offence against this Act shall be sued for and recovered by any Action, Bill, Plaint, or Information in any of his Majesty's Courts of Record at Westminster, or at the Assizes, and shall be disposed of, one Moiety thereof to the Use of such Person or Persons as shall sue for the same, and the other Moiety to the Use of the Poor of such Parish where the Offence shall be committed: except such one Moiety of such Penalties and Forfeitures as shall be incurred by, and recovered of any Person or Persons within the County of Somerset; which said one Moiety shall go and be applied to and for the Use and Benefit of the poor Persons admitted into the Hospital of Infirmary lately erected in the City of Bath, for the Benefit of poor Persons resorting to the said City for the Benefit of the Mineral Waters there.

VII. And be it further enacted by the Authority aforesaid, That from and after the twenty-fourth Day of June one thousand seven hundred and forty, all and every Sum or Sums of

Entrance Money to be paid to the second best Horse



- No. 12. Money to be paid for entering of any Horse, Mare, or Gelding, to start or run for any Plate, Prize, Sum of Money or other Thing, shall go and be paid to the second best Horse, Mare, or Gelding, which shall start or run for such Plate, Prize, or Sum of Money as aforesaid.

Gifts left for annual Races not to be altered.

VIII. Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent the starting or running any Horse, Mare, or Gelding for any Plate, Prize, or other Thing or Things now issuing out of, or paid for or by the Rents, Issues, and Profits of any Lands, Tenements or Hereditaments, or of or by the Interest of any Sum or Sums of Money now chargeable with the same, or appropriated for that Purpose.

12 Geo. 2. c. 28.

IX. And whereas a good and wholesome Law was made in the twelfth Year of the Reign of his present Majesty King George the Second, intituled, "An Act for the more effectual preventing of excessive and deceitful Gaming;" but contrary to the true Intent and Meaning thereof, some fraudulent and deceitful Games have been invented, and a certain Game called *Passage* is now daily practised and carried on, to the Ruin and Impoverishment of many of his Majesty's Subjects;

Game of Passage, and other Games with Dice prohibited

See farther 29 Geo. 2. c. 7.

It is therefore hereby enacted and declared, That the said Game of Passage, and all and every other Game and Games invented, or to be invented, with one or more Die or Dice, or with any other Instrument, Engine, or Device, in the Nature of Dice, having one or more Figures or Numbers thereon (Backgammon and the other Games now played within the Backgammon Tables only excepted) are and shall be deemed to be Games or Lotteries by Dice, within the Intent and Meaning of the said in Part recited Act; and all and every Person and Persons who shall set up, maintain, or keep any Office, Table, or Place, (save and except as in the said in Part recited Act is provided and declared) for the said Game of Passage, or for any other such Game or Games, as aforesaid, (Backgammon and the other Games now played with the Backgammon Tables only excepted) shall severally forfeit, be subject and liable to, all and every the Penalties and Forfeitures in and by the said in Part recited Act inflicted upon any Person or Persons who shall erect, set up, continue or keep any of the Games or Lotteries in the said in Part recited Act mentioned; and all and every Person or Persons who shall play, set at, stake, or adventure at the said Game of Passage, or at any other such Game, as aforesaid (Backgammon and the other Games now played with the Backgammon Tables only excepted) save and except as in the said in Part recited Act is provided and declared, he and they respectively shall severally forfeit, be subject and liable to all and every the Penalties and Forfeitures in and by the said in Part recited Act inflicted upon any Person or Persons who shall play, set at, stake, or adventure, at any of the said Games in the said in Part recited Act mentioned; and all and every such Offenders respectively shall be prosecuted and convicted, and the several Penalties and For-

feitures shall be sued for and recovered and disposed of in like Manner, and to such Uses, as the several Penalties and Forfeitures in either of such Cases are by the said in Part recited Act directed to be sued for, and recovered, and disposed of.

No. 12.  
13 George II.  
c. 19.

X. And be it further enacted by the Authority aforesaid, That in any Action, Bill, Complaint, or Information to be brought or commenced by virtue of this Act, no Essoin, Protection, Wager of Law, or more than one Imparlance shall be allowed; and that over and above the Penalties and Forfeitures to be recovered by virtue of this Act, the Plaintiff or Informer shall recover his or her double Costs.

Double Costs.

### No. 13.

18 George III. c. 34. — An Act to explain, amend, and make more effectual the Laws in being, to prevent excessive and deceitful Gaming; and to restrain and prevent the excessive Increase of Horse Races.

[Inserted ante P. III.]

### No. 14.

25 George III. c. 36. — An Act for the better preventing Thefts and Robberies, and for regulating Places of Public Entertainment, and punishing Persons keeping disorderly Houses.

[See Chronological Table.]

### No. 15.

27 George III. c. 1. — An Act to render more effectual the Laws now in being for suppressing unlawful Lotteries.

WHEREAS the good and wholesome Laws, from Time to Time made and provided for the Suppression of unlawful Lotteries, and against adventuring in Lotteries established by Acts of Parliament, in Great Britain or Ireland, by unlawful Sales of Chances of Tickets, and by Insuring for or against the Drawing of such Tickets, have not been found effectual for the Purposes intended thereby; And whereas, in and by an Act of Parliament made and passed in the eighth Year of the Reign of his late Majesty King George the First, intituled, "An Act for continuing the Duties on Malt, Mum, Cyder, and Perry, to raise Money by way of a Lottery, for the Service of the Year one thousand seven hundred twenty-two; and for transferring the Defici-

No. 15.  
27 George III.  
c. 1.  
Preamble.

8 Geo. 1. c. 2.

No. 15. 'encies of a late Malt Act to the Land Tax for the said Year ;  
 27 George III. ' and for giving Time for inserting the Money given with  
 c. 1. ' Apprentices in their Indentures; and touching lost Bills,  
 ' Tickets, or Orders; and for exchanging the Tickets in the  
 ' Exchequer for Certificates; and for suppressing Lotteries  
 ' denominated Sales, and other Private Lotteries; and for enlarg-  
 ' ing the Time for the Accountant General of the Bank of  
 ' England to return Duplicates of Annuities into the Exchequer;  
 ' it is, amongst other Things, enacted, That all and every  
 ' Person or Persons who, after the twenty-first Day of Decem-  
 ' ber, in the Year of our Lord one thousand seven hundred and  
 ' twenty-one, shall make, print, advertize, or publish, or cause  
 ' to be made, printed, advertized, or published, Proposals or  
 ' Schemes for advancing small Sums of Money, by several  
 ' Persons, amounting in the whole to large Sums, to be  
 ' divided among them by the Chances of the Prizes in  
 ' some Publick Lottery or Lotteries established or allowed  
 ' by Act of Parliament; or shall deliver out, or cause or  
 ' procure to be delivered out, Tickets to the Persons  
 ' advancing such Sums, to intitle them to a Share of the Mo-  
 ' ney so advanced, according to such Proposals or Schemes;  
 ' or shall make, print, or publish, or cause to be made,  
 ' printed, or published, any Proposal or Scheme of the like  
 ' Kind or Nature, under any Denomination, Name, or Title  
 ' whatever, and shall be thereof convicted, upon the Oath  
 ' or Oaths of one or more credible Witness or Witnesses, by  
 ' two or more Justices of the Peace of the County, Division,  
 ' or Liberty, where such Offence shall be committed, or the  
 ' Offender shall be found, shall, for such Offence, over and  
 ' above any former Penalties inflicted by any former Act, or  
 ' Acts of Parliament, made against any private or unlawful  
 ' Lotteries forfeit the Sum of five hundred Pounds: And  
 ' whereas, in and by two other Acts of Parliament, the one  
 ' thereof made and passed in the twelfth Year of the Reign of  
 ' his late Majesty King George the Second, intituled, " An  
 ' Act for the more effectual preventing of excessive and deceit-  
 ' ful Gaming;" and the other thereof made and passed in the  
 ' twenty-second Year of the Reign of his present Majesty,  
 ' intituled, " An Act for licensing Lottery Office Keepers, and  
 ' regulating the Sale of Lottery Tickets," many good and  
 ' wholesome Provisions are enacted, which require to be  
 ' maintained and carried more effectually into Execution: And  
 ' whereas great Difficulties have arisen upon the Methods of  
 ' Conviction of Offenders against the said recited Acts, before  
 ' Justices of the Peace, and many Evasions of the said recited  
 ' Acts are daily put in Practice; For Remedy whereof, may it  
 ' please your Majesty that it may be enacted; and be it enacted  
 ' by the King's most Excellent Majesty, by and with the  
 ' Advice and Consent of the Lords Spiritual and Temporal,  
 ' and Commons, in this present Parliament assembled, and by  
 ' the Authority of the same, That all and every the said recited  
 ' Acts, and every Article and Thing in them contained, touch-

\* 12 Geo. 2. c.  
 28. and 22 Geo.  
 3. c. 47. recited;

and the Powers  
 thereby given to  
 continue in  
 force, except  
 such as are here-  
 by altered.

ing and concerning Lotteries, and not by this Act altered or repealed, or other Provision made in lieu thereof, shall be duly put in Execution, according to the Tenor of the said rected Acts, and under the Penalties therein contained, to be raised, levied, and disposed of, as in and by this Act is directed.

No. 15.

27 George III.  
c. 1.

II. And be it further enacted by the Authority aforesaid, That, from and after the Day on which this Act shall receive his Majesty's Royal Assent, no pecuniary Penalty or Penalties, which shall be incurred by any Person or Persons offending against such Parts of the said Acts, or any of them, as touch and concern Lotteries, shall be recovered or recoverable before any Justice or Justices of the Peace, but shall and may be sued for by any Person or Persons whomsoever, at any Time within six Calendar Months next after such Offence shall be committed, and recovered by Action of Debt, Bill, Plaint, Suit, or Information, in any of his Majesty's Courts of Record at Westminster; in which no Escoin, Protection, Wager of Law, or more than one Imparance shall be allowed; and one Moiety of the said respective Penalties, when recovered, shall, in every such Case, go and be applied to the Use of his Majesty, his Heirs and Successors, and the other Moiety, with full Costs of Suit, to the Person or Persons who shall sue or prosecute for the same respectively; and upon every such Action, Bill, Plaint, Suit, or Information, a *Capias*, or other Writ, shall and may issue; the first Process specifying therein the Amount of the Penalty or Penalties sued for, whereof an Affidavit shall be first duly made and filed; and the Defendant or Defendants shall, in such Case, be obliged to give sufficient Bail or Security, by natural-born Subjects, Persons naturalized, or Denizens, to the Person or Persons to whom such *Capias*, or other Writ, shall be directed, to appear in the Court out of which such Process shall be issued, at the Day of the Return of such Process, to answer such Suit or Prosecution; and shall likewise, at the Time of such Appearance, give sufficient Bail or Security, by such Persons as aforesaid, in the said Court, to answer and pay all the Forfeitures and Penalties incurred for such Offence or Offences, together with the Costs of Suit, in case he, she, or they shall be convicted thereof, or to yield his, her, or their Body or Bodies to Prison: Provided always, That the Bail herein before required to be given shall, in no Case, exceed the Sum of five hundred Pounds.

After the passing of this Act, Penalties incurred under the rected Acts may be sued for by any Person or Persons whomsoever within six Months.

Application of Penalties.

In every Action for Penalties, the Defendant to give Bail to answer it.

Bail not to exceed 500l.

III. And whereas, in and by an Act made and passed in the seventeenth Year of the Reign of his late Majesty King George the Second, intituled, "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction," it is enacted, That all Persons playing or betting at any unlawful Games or Plays shall be deemed Rogues and Vagabonds within the true Intent and Meaning of that Act: And whereas all Lotteries not established by Act of Parliament, in Great Britain or Ireland, are declared to be common and publick Nuisances; And whereas all adven-

17 Geo. 2. c. 5. rected,

No. 15. 'turing with Lottery Tickets, in such Lotteries as are estab-  
 27 George III 'lished by Act of Parliament, other than by the actual Sale  
 c. 1. 'of Tickets, and of such Shares thereof as are permitted  
 'by Law to be sold, is wholly prohibited by the said Act  
 'of the twenty-second Year of the Reign of his present Majesty:  
 'And whereas it would tend greatly to suppress such Abuses  
 'in the Lottery now established, and in all future Lotteries  
 'that may hereafter be established by Law, if the Person and  
 'Persons guilty of any of the Offences against this Act, or  
 'such Parts of the herein-before mentioned Acts, or any of  
 'them, as touch and concern Lotteries, might be punishable  
 'under the said Act passed in the seventeenth Year of the  
 'Reign of his said late Majesty, except in Cases of Insurances  
 'on Tickets by Persons actually possessed thereof, under the  
 'Restrictions herein-after mentioned; be it therefore further  
 enacted by the Authority aforesaid, That, from and after the  
 Day on which this Act shall receive his Majesty's Royal  
 Assent, all and every Person and Persons who shall pub-  
 licly or privately open, set up, continue or keep, by him-  
 self, or herself, or by any other Person or Persons, any Office,  
 or other Place, for buying, selling, or otherwise dealing in  
 any Tickets, or any Shares of Tickets, in any Lottery now  
 established, or hereafter to be established, by any British or  
 Irish Act of Parliament, or for registering the Numbers of  
 such Tickets, without the Authority of a Licence duly obtain-  
 ed for that Purpose from the Commissioners for managing the  
 Duties upon stamped Vellum, Parchment and Paper, for the  
 Time being, in the Manner in and by the said recited Act of  
 the twenty-second Year of the Reign of his present Majesty  
 directed; and all and every Person and Persons (except as  
 herein-after is provided) who shall, by himself, herself, or them-  
 selves, or by any other Person or Persons, or for his, her, or  
 their own Account, or for or on the Account, or as the Servant,  
 Agent, or Factor, of any other Person or Persons, sell, or cause  
 or procure to be sold, the Chance or Chances of any such  
 Ticket or Tickets, or any Share or Shares thereof, for a Day,  
 or Part of a Day, or any less Time than the whole Time of  
 drawing in any such Lottery then to come, or insure, or cause  
 or procure any other Person or Persons to insure, for or against  
 the Drawing of any such Ticket or Tickets, or shall receive  
 any Money or Goods whatsoever, in Consideration of any  
 Agreement or Promise to repay any Sum or Sums of Money,  
 or to deliver the same, or any Plate, Jewels, or other Goods  
 whatsoever, if any such Ticket or Tickets shall prove fortu-  
 nate or unfortunate, or upon any other Chance or Chances,  
 Event or Events, Contingency or Contingencies, relative or  
 applicable to the Drawing of any such Ticket or Tickets,  
 whether as to the Time of their being drawn, or otherwise  
 howsoever, shall be deemed Rogues and Vagabonds, within  
 the true Intent and Meaning of the said recited Act of the  
 seventeenth Year of the Reign of his said late Majesty, and  
 shall be punishable as such Rogues and Vagabonds accord-

and extended to  
 Persons who  
 shall deal in  
 Tickets with-  
 out taking out a  
 Licence pursu-  
 ant to 22 Geo.  
 3. or sell Chan-  
 ces, &c

ingly; and all Persons who shall be found offending against this Act, in the Manner above mentioned, shall and may be apprehended and conveyed before some Justice or Justices of the Peace, as in and by the said recited Act, in relation to the Rogues and Vagabonds therein described, is directed; and the Justice or Justices before whom such Offender shall be brought, such Offender not having been sued or prosecuted for the same Offence, without Covin or Collusion, in some of his Majesty's Courts of Record, by such Action of Debt, Bill, Plaint, Suit, or Information, as aforesaid, shall and may, upon full and sufficient Proof of the Offence, in the Manner in and by the said recited Act directed, order such Offender to be sent to the House of Correction, there to remain until the next General or Quarter Sessions of the Peace for the County, Riding, Division, or Place, where the said Offence was committed; and the Justices, at such Sessions, shall enter upon the Examination of the Case, and proceed therein according to the Directions of the said recited Act of the seventeenth Year of his said late Majesty; and all Justices of the Peace, Mayors, Bailiffs, Constables, Headboroughs, and other his Majesty's Civil Officers, within their respective Jurisdictions, are hereby empowered and strictly required to use their utmost Endeavours to prevent the committing of any of the Offences aforesaid, by all lawful Ways and Means; and shall be, and are hereby indemnified for any Thing done in Execution of this Act.

III. And be it further enacted by the Authority aforesaid, That all other the Powers, Authorities, Rules, Directions, Punishments and Provisions, prescribed and inflicted in and by the said recited Act of the seventeenth Year of his said late Majesty, for the apprehending, securing, and punishing Persons as Rogues and Vagabonds within the true Intent and Meaning of the said Act, not hereby altered, shall be applied and carried into Execution in relation to the Persons hereby declared to be Rogues and Vagabonds, as fully, to all Intents and Purposes, as if the same Powers, Authorities, Rules, Directions, Punishments, and Provisions, and every of them, had severally and respectively been re-enacted in this Act.

IV. Provided always, and be it further enacted by the Authority aforesaid, That, from and after the Day on which this Act shall receive his Majesty's Royal Assent, it shall and may be lawful for any Person, actually possessed of any whole undrawn Ticket, in any Lottery now established, or hereafter to be established by Law in Great Britain, to make, or cause to be made, on his or her Ticket, any Insurance for the indemnifying himself or herself against any Loss which he or she may sustain by adventuring in the said Lottery, for or by reason of such Ticket, so as every Contract or Agreement for such Insurance be reduced into Writing (without being subject to any of the Duties under the Management of the Commissioners of Stamps) before the Time of such Ticket being drawn in the said Lottery; and so as the Name of the Possessor of such Ticket at the Time of such Insurance, the Number thereof,

No. 15.  
27 George III.  
c. 1.

Justices to  
commit Offenders to the  
House of Correction till the  
next Quarter Sessions.

The Powers  
of recited Act  
17 Geo. 2, extended to this  
Act.

From the passing  
of this Act,  
the Possessor of  
a whole Ticket  
may insure it,  
by a written  
Agreement, for  
its own Value.

No. 15. the Lottery to which such Ticket shall belong, and the  
 27 George III. Amount of the Premiums received thereon, be respectively  
 c. 1. inserted and expressed in such Agreement, and so as every  
 such Insurance be made upon a whole Ticket or whole  
 Tickets only, on Condition to pay the full Amount or Value  
 thereof, and not otherwise; any Thing contained in this Act,  
 or in the said Act of the twenty-second Year of the Reign of  
 his present Majesty; "For licensing Lottery Office Keepers,  
 and regulating the Sale of Lottery Tickets," to the contrary  
 thereof notwithstanding.

When an In-  
 surance is made,  
 it must be for  
 the whole Time  
 remaining of the  
 Drawing, and  
 the Ticket must  
 be deposited  
 with the Recei-  
 ver-General of  
 the Stamp Du-  
 ties, or some  
 Person appoint-  
 ed by him to re-  
 ceive it.

V. Provided always, That no such Insurance shall be for  
 a less Time than shall then remain of the Drawing of the said  
 Lottery; and that every such Ticket so insured shall be depo-  
 sited, by the Person so insuring the same, in an Office esta-  
 blished, or to be established, by the Commissioners for  
 managing the Duties upon stamped Vellum, Parchment, and  
 Paper, for the Time being, for the Deposit of Tickets intended  
 to be sold in Shares, by virtue of an Act passed in the twenty-  
 second Year of his present Majesty's Reign, intituled, "An  
 Act for licensing Lottery Office Keepers, and regulating the  
 Sale of Lottery Tickets;" and shall be there left with the  
 Receiver General of his Majesty's Stamp Duties, or some  
 Person or Persons to be appointed by him to receive the same,  
 and who is and are hereby authorized and required to receive  
 the same: Provided also, That every such Ticket so deposited  
 may be assignable, together with such Insurance.

Tickets and  
 Insurances as-  
 signable.

Persons not  
 duly licensed  
 making Insu-  
 rances, liable to  
 the Penalties of  
 keeping unli-  
 censed Lottery  
 Offices.

VI. Provided always, and be it further enacted by the  
 Authority aforesaid, That if any Person or Persons whatsoever,  
 not being duly licensed under the said Act of the twenty-  
 second Year of his present Majesty's Reign, shall, from and  
 after the Day on which this Act shall receive his Majesty's  
 Royal Assent, grant, sign, or underwrite any Agreement for  
 any such Insurance as aforesaid; or shall take or receive any  
 Premium or Consideration in the Nature of a Premium, for  
 such Insurance, every such Person or Persons not duly licensed  
 as aforesaid, shall be subject to the like Pains, Penalties, and  
 Forfeitures as are inflicted on Persons keeping Lottery Offices  
 without the Authority of such Licence, by the said Act of the  
 twenty-second Year of his present Majesty's Reign, or by this  
 Act, to be levied and recovered, inflicted, applied, and car-  
 ried into Execution, as in and by this Act is directed, and  
 according to the true Intent and Meaning thereof.

Offenders not  
 to be liable to  
 Prosecutions for  
 pecuniary Pe-  
 nalties, and also  
 as Vagabonds.

VII. Provided always, and be it further enacted by the  
 Authority aforesaid, That no Person shall be liable to be pro-  
 secuted for any Offence against this Act, or such Parts of the  
 herein-before mentioned Acts, or any of them, as touch and  
 concern Lotteries, by both the Ways by this Act prescribed;  
 nor shall any Person against whom any Action, Suit or Infor-  
 mation, for the Recovery of a pecuniary Penalty, hath been  
 commenced and carried on with Effect, be liable to Imprison-  
 ment as a Rogue and Vagabond under this Act for the same  
 Offence; and that where any Person shall be convicted and

sentenced to Imprisonment as a Rogue and Vagabond under this Act, such Person shall not be liable afterwards to be prosecuted for any pecuniary Penalty for the same Offence. No. 15.  
George III.  
c. 1.

VIII. Provided also, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be subject or liable to any Prosecution before any Justice or Justices of the Peace, for any Offence against the herein-before mentioned Acts, touching and concerning any Lottery now established, or heretofore established in this Kingdom, unless Information thereof shall have been made on or before the fifth Day of February, one thousand seven hundred and eighty-seven. Nor before a Justice for Offences respecting Lotteries already established, unless Information has been made before Feb. 5, 1787.

IX. And be it further enacted, That all such Penalties and Forfeitures, and Shares of Penalties and Forfeitures, and Sums of Money, which shall belong to his Majesty, his Heirs and Successors, and which shall be received by any Officer or Officers in the Execution of this Act, shall be paid into the Hands of the Receiver General of the Stamp Office for the Time being, who shall keep a separate and distinct Account thereof, and thereout shall pay the Expence the said Office shall be put to in executing this Act; and the said Receiver General shall pay the Residue into the Receipt of the Exchequer, at such Time, and in such Manner, as other Penalties and Forfeitures, due and payable to his Majesty, are or shall be paid or payable. His Majesty's Share of Penalties to be paid to the Receiver General of the Stamp Office.

X. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time or Times be sued, molested, or prosecuted, for any Thing by him, her, or them done or executed in pursuance of this Act, or of any Clause, Matter, or Thing herein contained, such Person or Persons may plead the General Issue, and give the Special Matter in Evidence for his, her, or their Defence; and if upon the Trial a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them, against such Plaintiff, or Plaintiffs. General Issue.  
  
Treble Costs.

## No. 16.

34 George III. c. 40.—An Act for granting to his Majesty a certain Sum of Money to be raised by a Lottery.—[9th May 1794.]

XXXVII. **A**ND be it further enacted, That upon Complaint or Information made upon Oath, before any Justice or Justices of the Peace, of any Offence committed against the said Act of the twenty-seventh Year of the Reign of his present Majesty in any House or Place within the Jurisdiction of any such Justice or Justices, whereby any of the Offenders may be liable to Punishment as Rogues and Vagabonds, it shall and may be lawful to and for the said Justice or No. 16  
34 George III.  
c. 40.  
On Complaint on Oath of Offences against 27 Geo. III. Cap. 1.  
whereby the Parties may be



No. 16. Justices before whom such Oath shall be taken, if he or they shall judge it reasonable, by special Warrant under his or their respective Hands and Seals, to authorize and empower any Person or Persons by Day or by Night, (but if in the Night-time, then in the Presence of a Constable or other lawful Officer of the Peace, who are hereby required to be aiding and assisting therein,) to break open the Doors, or any Part of such House or Place where such Offence shall have been committed, and to enter into such House or Place, and to seize and apprehend all such Offenders, and all other Persons who shall be discovered in such House or Place, and who shall have knowingly aided or assisted, or been any ways concerned with any such Offender or Offenders in committing such Offence, and to convey them before any Justice or Justices of the Peace of the County, Riding, Division, City, Liberty, or Place, wherein such Person shall be so apprehended, to be dealt with according to Law, as aforesaid; and all Persons who shall be discovered in such House or Place, knowingly aiding, assisting, or any ways concerned with such Offender or Offenders in carrying on any Transactions respecting the said Lotteries, or either of them, contrary to the express Provisions of the said Act of the twenty-seventh Year aforesaid, shall be deemed Rogues and Vagabonds, and punishable in like Manner as is directed by the said Act or this Act, as the Case may require; and it shall and may be lawful for the Officer or Officers having the Execution of such Warrant, and all other Persons acting in his or their Aid or Assistance, to stop, arrest, and detain all and every the Person and Persons so discovered in such House or Place, and to convey the said Person or Persons before such Justice or Justices of the Peace as aforesaid: and if any Person or Persons shall forcibly obstruct, oppose, molest, or hinder any such Officer or Officers or others acting in his or their Aid or Assistance, in the due Execution of their Duty, or in the due entering into such House or Place, or in the seizing, detaining, or conveying before such Justice or Justices, any such Offenders or other Persons as aforesaid, every such Person so obstructing, opposing, molesting, or hindering as aforesaid, shall be deemed an Offender against Law and the public Peace, and the Court before whom any such Offender shall be tried and convicted shall and may order such Offender to be fined, imprisoned and publicly whipped, as in their Discretion shall be thought fit; and all Persons, although not discovered in such House or Place as aforesaid, who shall employ or cause to be employed any Person or Persons in carrying on any of the Transactions aforesaid, or in aiding or assisting any such Person or Persons, shall be deemed Rogues and Vagabonds, and shall be punishable in like Manner as is directed by the said Act of the twenty-seventh Year aforesaid.

XL. And be it further enacted, That if any Person shall be brought before any two or more Justices of the Peace, and shall be convicted of any Offence or Offences against the said

34 George III.  
c. 40.  
liable to punishment as Rogues,  
Justices may authorize Persons to break open Houses, &c.

Persons discovered in such Houses concerned in carrying on illegal Transactions, to be punished as Rogues, and may be arrested, &c.

Penalty on Persons obstructing Officers, &c.

Offences of Rogues and Vagabonds

Act of the twenty-seventh Year of the Reign of his present Majesty, or of this Act, whereby such Person shall be adjudged a Rogue and a Vagabond, it shall and may be lawful for such Justices to order such Offender to be sent to the House of Correction, there to remain for any Space of Time, not exceeding six Calendar Months, nor less than one Month, and until the final Period of the drawing of the Lottery, in respect whereof such Offence shall be committed; and such Proceedings shall not be subject to Appeal, nor shall be removed or removable by *Certiorari*, or otherwise, into any Court whatever.

No. 16.  
34 George III.  
c. 40

may be committed

Proceedings not removable by *Certiorari*.

### No. 17.

42 George III. c. 119.—An Act to suppress certain Games and Lotteries not authorized by Law.—  
[28th. June, 1802.]

**W**HEREAS evil disposed Persons do frequently resort to Publick Houses and other Places, to set up certain mischievous Games or Lotteries, called Little Goes, and to induce Servants, Children, and unwary Persons, to play at the said Games; and thereby most fraudulently obtain great Sums of Money from Servants, Children, and unwary Persons, to the great Impoverishment and utter Ruin of many Families; for Remedy whereof, be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all such Games or Lotteries called Little Goes, shall, from and after the passing of this Act, be deemed and are hereby declared common and publick Nuisances, and against Law.

No. 17.  
42 George III.  
c. 119.

All Games or Lotteries called Little Goes declared public Nuisances.

II. And be it further enacted, That, from and after the first Day of July, one thousand eight hundred and two, no Person or Persons whatsoever shall publicly or privately keep any Office or Place to exercise, keep open, shew, or expose to be played, drawn, or thrown at or in, either by Dice, Lots, Cards, Balls, or by Numbers or Figures, or by any other Way, Contrivance, or Device whatsoever, any Game or Lottery called a Little Gos, or any other Lottery whatsoever not authorized by Parliament, or shall knowingly suffer to be exercised, kept open, shewn, or exposed to be played, drawn, or thrown at or in, either by Dice, Lots, Cards, Balls, or by Numbers or Figures, or by any other Way, Contrivance, or Device whatsoever, any such Game or Lottery, in his or her House, Room, or Place, upon pain of forfeiting for every such Offence, the Sum of five hundred Pounds, to be recovered in the Court of Exchequer, at the Suit of his Majesty's Attorney General, and to be to the Use of his Majesty, his Heirs and Successors; and every Person so offending shall be deemed a Rogue and Vagabond within the true Intent and Meaning of an Act passed in the seventeenth Year of the

Persons keeping any Office or Place for any Game or Lottery not authorized by Law, &c. shall forfeit pool, and be deemed Rogues and Vagabonds within the Meaning of 17 G. 2. c. 5

No. 17. Reign of his late Majesty King George the Second, intituled  
 42 George III. "An Act to amend and make more effectual the Laws relating  
 c. 119. to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction," and shall be punishable as such Rogue and Vagabond accordingly.

Offenders not proceeded against for Pe-  
 nalties, shall be punishable as Rogues and Vagabonds under 17 Geo. 2. c. 5. and 27 Geo. 3. c. 1 [And see post. § 7.]

III. Provided always, and be it further enacted, That every Person so offending against this Act in Manner hereinbefore mentioned, against whom no Information shall have been made as aforesaid, shall be deemed a Rogue and Vagabond, within the true Intent and Meaning of an Act, passed in the seventeenth Year of the Reign of his late Majesty King George the Second, intituled, "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction;" and also of another Act, passed in the twenty-seventh Year of the Reign of his present Majesty, intituled, "An Act to render more effectual the Laws now in being for suppressing unlawful Lotteries;" and shall be punishable as such Rogue and Vagabond, according to the said Acts and this Act.

Justice on Information, may authorize Persons to break open Doors of Places (if at Night, with a Peace Officer) where such Offences are committed, and apprehend Offenders, &c.

IV. And be it further enacted, That upon Complaint or Information made upon Oath before any Justice or Justices of the Peace, of any Offence committed against this Act in any House or Place within the Jurisdiction of any such Justice or Justices, whereby any of the Offenders may be liable to Punishment as Rogues and Vagabonds, it shall and may be lawful to and for the said Justice or Justices before whom such Oath shall be taken, if he or they shall judge it reasonable, by Special Warrant under his or their respective Hands and Seals, to authorize and empower any Person or Persons, by Day or by Night (but if in the Night-time, then in the Presence of a Constable or other lawful Officer of the Peace, who are hereby required to be aiding or assisting therein), to break open the Doors or any Part of such House or Place where such Offence shall have been committed, and to enter into such House or Place, and to seize and apprehend all such Offenders and all other Persons who shall be discovered in such House or Place, and who shall have knowingly aided or assisted, or been anyways concerned with any such Offender or Offenders in committing such Offence, and to convey them before any Justice or Justices of the Peace of the County, Riding, Division, City, Liberty, or Place wherein such Persons shall be so apprehended, to be dealt with according to Law as aforesaid; and all such Persons who shall be discovered in such House or Place knowingly aiding, assisting, or anyways concerned with such Offender or Offenders in the carrying on any Transactions respecting the said Little Goes or Lotteries, or either of them, shall be deemed Rogues and Vagabonds, and punishable in like Manner as is directed by the said recited Act of the seventeenth Year of the Reign of his late Majesty King George the Second; and it shall and may be lawful for the Officer or Officers having the Execution of such Warrant, and

all other Persons acting in his or their Aid or Assistance, to stop, arrest; and detain all and every the Person and Persons so discovered in such House or Place, and to convey the said Person and Persons before such Justice or Justices of the Peace as aforesaid; and if any Person or Persons shall forcibly obstruct, oppose, molest, or hinder, any such Officer or Officers, or others acting in his or their Aid or Assistance, in the due Execution of their Duty, or in the due entering into such House or Place, or in the seizing, detaining, or conveying before such Justice or Justices any such Offenders, or other Persons as aforesaid, every such Person so obstructing, opposing, molesting, or hindering as aforesaid, shall be deemed an Offender against Law and the publick Peace, and the Court before whom any such Offender shall be tried and convicted shall and may order such Offender to be fined, imprisoned, and publickly whipped, as in their Discretion shall be thought fit; and all Persons, although not discovered in such House or Place as aforesaid, who shall employ, or cause to be employed, any Person or Persons in carrying on any of the Transactions aforesaid, or in aiding or assisting any such Person or Persons, shall be deemed Rogues and Vagabonds, and shall be punishable in like Manner as is directed by an Act passed in the twenty-seventh Year of the Reign of his present Majesty.

No. 17.  
42 George III.  
c. 119.

Penalty for obstructing Persons in the Execution of their Duty, Fine and Imprisonment, &c.

Persons employing others shall be deemed Rogues and Vagabonds.

V. And be it further enacted, That from and after the passing of this Act, no Person or Persons whatever shall, on or under any Pretence, Device, Form, Denomination, or Description whatsoever, promise or agree to pay any Sum or Sums, or to deliver any Goods, or to do or forbear doing any Thing for the Benefit of any Person or Persons, whether with or without Consideration, on any Event or Contingency relative or applicable to the drawing of any Ticket or Tickets, Lot or Lots, Numbers or Figures, in any such Game or Lottery, or to publish any Proposal for any of the Purposes aforesaid; and if any Person or Persons shall offend, in any of the Matters aforesaid, he, she, or they shall, for every Offence, forfeit and pay the Sum of one hundred Pounds.

No Person shall agree to pay Money or deliver Goods, &c. on any Event relative to such Game or Lottery, or publish any Proposal; Penalty 100l.

VI. And be it further enacted, That it shall and may be lawful for any Person whatever to apprehend on the Spot any Person or Persons so offending, and to convey or cause to be conveyed before any Magistrate or Justice of the Peace residing near the Place where such Offence shall be committed, the Person or Persons so apprehended, to be proceeded against under this Act; and when any Person or Persons shall be apprehended or brought before any Magistrate or Justice aforesaid for any such Offence, it shall be lawful for such Magistrate or Justice to proceed to examine into the Circumstances of the Case, and upon due Proof upon Oath or solemn Affirmation of any such Offence committed against this Act, to give Judgment or Sentence accordingly; and where the Party accused shall be convicted of such Offence, and such Penalty shall not be immediately paid, to commit such Offender to be apprehended on the Spot by any one and carried before a Justice, who shall, on the Penalty not being paid, commit them for six Months, or till Payment, without Appeal.

No. 17. der to Prison for any Space of Time not exceeding six Calendar Months, nor less than one Calendar Month, without Bail or Mainprize, and without Appeal, or until such Penalty shall be satisfied; and every such Penalty when paid upon Conviction, shall go and be applied, one Third thereof to his Majesty, one Third thereof to the Use of the Informer or Informers, and the other Third thereof to the Person or Persons apprehending or securing such Offender or Offenders.

The Provisions of 27 G. 3. c. 1. shall extend to this Act, and the Lottery Act, c. 54 of this Session.

Application of the Penalty.

VII. And be it further enacted, That, from and after the passing of this Act, all Pains, Forfeitures, Fines, and Penalties, and all Provisions, Powers, Authorities, Rules, Regulations, Restrictions, Exemptions and Exceptions, Clauses, Matters, and Things, contained in an Act passed in the twenty-seventh Year of the Reign of his present Majesty, intituled, "An Act to render more effectual the Laws now in being for suppressing unlawful Lotteries," shall extend, and be deemed, construed, and taken to extend, and shall apply and be in full Force, and put in Execution in all Cases and for all Purposes as to all the Provisions of this Act, and of another Act, passed in this Session of Parliament, intituled, "An Act for granting to his Majesty a certain Sum of Money to be raised by Lotteries," in all Cases where no special or different Provision is made by this or the said last recited Act, in as full and ample a Manner, to all Intents and Purposes, as if the said Act, and all Pains, Forfeitures, Fines and Penalties, Provisions, Powers, Authorities, Rules, Regulations, Restrictions, Exemptions, Exceptions, Clauses, Matters, and Things contained and enacted therein, were particularly and expressly repeated and re-enacted in the Body of this present Act, and had been repeated and enacted in the Body of the said recited Act of this Session of Parliament.

General Issue.

VIII. And be it further enacted, That if any Sheriff's Officer, or other Person or Persons, shall be sued, molested, or prosecuted, for any Thing done by virtue or in pursuance of this Act, such Sheriff's Officer, or other Person or Persons, shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be non-suited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have treble Costs awarded to him, her, or them, against any such Plaintiff or Plaintiffs.

Treble Costs.

## PART VI. CLASS XXI.

### GAOLS AND HOUSES OF CORRECTION.

#### No. 1.

4 Edward III. c. 10.—Sheriffs and Gaolers shall receive Offenders without taking any Thing.

#### No. 2.

14 Edward III. c. 10.—Sheriffs shall have the keeping of Gaols. A Prisoner by Duress becometh an Approver.

#### No. 3.

5 Henry IV. c. 10.—Justices of Peace shall imprison none but in the common Gaol.

#### No. 4.

3 Henry VII. c. 3.—Justices of Peace may let Prisoners to Bail. The Sheriff shall certify the Names of all his Prisoners at the Gaol Delivery.

[Inserted Part V. Title *Proceedings in Criminal Cases*]

#### No. 5.

19 Henry VII. c. 10.—Sheriffs.

19.

**B**E it ordained, established, and enacted by the King our Sovereign Lord, by the Advice and Assent of his Lords Spiritual and Temporal, and the Commons, in this

No. 5.  
19 Henry VII.  
c. 10.

No. 5. present Parliament assembled, and by Authority of the same,  
 19 Henry VII. That every Sheriff within every County, within this Realm of  
 c. 10. England have the Custody, Rule, Keeping, and Charge, from the *Quindecim Pasche* next coming, of every of the King's common Gaols, Prisons, and Prisoners in the same, in every of the said Counties where he is Sheriff, during the Time of his Office, except all Gaols whereof any Person or Persons Spiritual or Temporal, or Body Corporate, have the keeping of Estate of Inheritance, or by Succession; (2) and from the same *Quindecim of Pasche* next coming, that all Letters Patents made to any Person or Persons for Term of Life or Lives, or for Term of Years, of the keeping of the said Gaols, and of any Constablership of any Castle; wherein any such common Gaol is; by the King our Sovereign Lord, or any other Kings of this Land; and every Thing in the said Letters Patents contained, be from henceforth repealed, annulled, void, and of no Force ne Effect in the Law: (3) And that every such Sheriff, from the said *Quindecim of Pasche*, be charged and chargeable with the said Gaols, Prisons, and the Prisoners remaining in the same.

The Sheriffs shall have the keeping of the common Gaols, and the Prisoners therein.  
 14 Ed. 3. stat.  
 1 c. 10.

[Several Penalties for the negligent Escape of several Sorts of Offenders. Exp.—A Saving of other Men's Rights for Escapes, and Fines for the same. —The Penalty for negligent Escapes before the Prisoner be brought to the Gaol. Exp.—Letters Patents of Offices not requiring actual Exercise, shall be void.—The Continuance of this Act concerning Penalties.—The Sheriff of Surrey shall not have the keeping of the King's Bench and Marshalsey.—Edward Courtney Earl of Devonshire's Patent except.—John Morgan's Patent except.]

### No. 6.

3 James I. c. 10.—An Act for the rating and levying of the Charges for conveying Malefactors and Offenders to Gaol.

No. 6.  
 3 James I.  
 c. 10.  
 At whose Charge an Offender shall be conveyed to Gaol.

WHEREAS his Majesty's honest and loving Subjects are much charged and burthened in conveying Felons, and other Malefactors and Offenders against his Majesty's Laws and Statutes, unto the Gaol, punishable by Imprisonment there, the said Felons and other Malefactors and Offenders, having Goods and Chattels of their own, whereby to defray the same Charges themselves, to the great Encouragement of such Malefactors and Offenders in their said wicked and bad Courses, and to the Discouragement of his Majesty's said honest and loving Subjects in prosecuting the said Malefactors and Offenders to be punished according to their Demerits: Be it enacted by the King's most Excellent Majesty, the Lord Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That all and every Person and Persons whatsoever, that from and after the End of this present Session of Parliament, shall be committed to the common or usual Gaol within any County or Liberty within this Realm,

by any Justice or Justices of the Peace, for any Offence or Misdemeanor to any such Gaol, that the said Person or Persons so to be committed as aforesaid, having Means or Ability thereunto, shall bear their own reasonable Charges for so conveying or sending them to the said Gaol, and the Charges also of such as shall be appointed to guard them to such Gaol, and shall so guard them thither: And if any such Person or Persons so to be committed as aforesaid, shall refuse at the Time of their Commitment and sending to the said Gaol, to defray the said Charges, or shall not then pay or bear the same, That then such Justice or Justices of the Peace shall and may, by Writing under his or their Hand and Seal, or Hands and Seals, give Warrant to the Constable or Constables of the Hundred, or Constable or Tithingman of the Tithing or Township where such Person or Persons shall be dwelling and inhabit, or from whence he or they shall be committed as aforesaid, or where he or they shall have any Goods within the County or Liberty, to sell such and so much of the Goods and Chattels of the said Persons so to be committed, as by the Discretion of the said Justice or Justices of the Peace shall satisfy and pay the Charges of such his or their conveying and sending to the said Gaol, the Appraisement to be made by Four of the honest Inhabitants of the Parish or Tithing where such Goods or Chattels shall remain and be, and the Overplus of the Money which shall be made thereof to be delivered to the Party to whom the said Goods shall belong.

No. 6.  
3 James I.  
c. 10.

How the Charges shall be levied if the Prisoner refuse to pay them.

[II. If the Offender be not able to bear his Charges, the Parishioners shall do it.—The Remedy if any Person taxed refuse to pay.—Repealed 27 Geo III. c. 3. V. note Title County Rates.]

III. And be it enacted by the Authority of this present Parliament, That if any Action of Trespass or other Suit shall happen to be attempted or brought against the Person or Persons for taking of any Distress, making of any Sale, or any other Act by Authority of this present Act, the Defendant or Defendants in any such Action or Suit, shall and may either plead Not guilty, or otherwise make Avowry, Cognizance or Justification for the taking of the said Distresses, making of Sale or other Act by Virtue of this Act, (2) alleging in such Avowry, Cognizance or Justification, that the said Distress, Sale, Trespass or other Thing, whereof the Plaintiff or Plaintiffs complained, was done by Authority of this Act, and according to the Tenor, Purport and Effect of this Act, without any Expressing or Rehearsal of any other Matter of Circumstance contained in this present Act: (3) To which Avowry, Cognizance or Justification the Plaintiff shall be admitted to reply, That the Defendant did take the said Distress, made the said Sale, or did any other Act or Trespass supposed in his Declaration, of his own Wrong, without any such Cause alleged by the said Defendant; whereupon the Issue in every such Action shall be joined to be tried by Verdict of twelve Men, and not otherwise, accustomed in

The Defendant's Plea in an Action brought for any Thing done by Force of this Act.



No 6. other personal Actions, (4) and upon the Trial of that Issue, the whole Matter to be given on both Parties in Evidence, according to the very Truth of the same, (5) And after such Issue tried for the Defendant, or Nonsuit of the Plaintiff after Appearance, the said Defendant to recover treble Damages by reason of his wrongful Vexation in that Behalf, with Costs also on that Part sustained, and that to be assessed by the same Jury, or Writ to enquire of the Damages, as the same shall require (6) This Act to continue until the End of the first Session of the next Parliament. [3 Car. I. c 4 Continued until the End of the first Session of the next Parliament, and farther continued by 16 Car. I. c. 4.]

3 James I. c 10

The Defendant shall recover Treble Damages and Costs of Suits

## No. 7.

7 James I. c. 4.—An Act for the due Execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds and sturdy Beggars, and other lewd and idle Persons.

No 7  
7 James I  
c 4

39 Eliz. c 4 & 5  
Houses of Correction shall be provided And the Government of them  
2 Inst 728  
Burn V 2, 525

‘WHEREAS heretofore divers good and necessary Laws and Statutes have been made and provided for the Frection of Houses of Correction, for the suppressing and punishing of Rogues, Vagabonds, and other idle, vagrant and disorderly Persons; which Laws have not wrought so good Effect as was expected, as well for that the said Houses of Correction have not been built according as was intended, as also for that the said Statutes have not been duly and severely put in Execution, as by the said Statutes were appointed;’ (2) For Remedy whereof, be it enacted and established by our Sovereign Lord the King’s Majesty, and by the Lords Spiritual and Temporal, and by the Commons, in this present Parliament assembled, and by the Authority of the same, That all Laws and Statutes now in Force, made for the erecting and building of Houses of Correction, and for punishing of Rogues, Vagabonds, and other wandering and idle Persons, shall be put in due Execution.

There shall be a House of Correction provided in every Shire to set idle Persons to work  
39 Eliz c 4

II. And be it further enacted and established by the Authority aforesaid, That before the Feast of Saint Michael the Archangel, which shall be in the Year of our Lord God one thousand six hundred and eleven, there shall be erected, built, or otherwise provided, within every County of this Realm of England and Wales, where there is not one House of Correction already built, purchased, provided or continued, one or more fit and convenient House or Houses of Correction, with convenient Backside thereunto adjoining, together with Mills, Turnes, Cards, and such like necessary Implements, to set the said Rogues or such other idle Persons on work; the same Houses to be built, erected or provided in some convenient Place or Town in every County, (2) Which Houses shall be purchased, conveyed or assured unto such Person or Persons as

by the Justices of Peace, or the more Part of them, in their Quarter-Sessions of the Peace to be holden within every County of this Realm of *England* and *Wales*, upon Trust, to the Intent the same shall be used and employed for the keeping, correcting and setting to work of the said Rogues, Vagabonds, sturdy Beggars, and other idle and disorderly Persons.

No. 7.  
7 James I  
c 4

III. And be it further enacted by the Authority aforesaid, That if the said House so to be erected, purchased or provided, shall not be erected, built or otherwise provided before the Feast of Saint *Michael* the Archangel, which shall be in the Year one thousand six hundred and eleven next ensuing the last Day of this present Session of Parliament, That then every Justice of Peace within every County of this Realm of *England* and *Wales*, where such House and Backside shall not be erected or provided, shall forfeit for his said Neglect, five Pounds of lawful *English* Money; (2) the one Moiety thereof to be unto him or them that will sue for the same by Action of Debt, Bill, Plaint or Information; in which Suit no Protection, *Escoign* or *Wager of Law* shall be admitted, and the other Moiety thereof to be employed and bestowed towards the erecting, building, procuring or providing the said House and Backside, and such necessary Implements as aforesaid.

The Forfeiture of every Justice of Peace if the House of Correction be not provided.

IV. And be it further enacted and established by the Authority aforesaid, That the Justices of Peace of every County within the Realm of *England* and *Wales*, at their Quarter-Sessions of the Peace, to be holden for their several Counties (next after the Erecting, Providing or Building of the said House or Houses, and so from Time to Time) or the more Part of them, shall elect, nominate and appoint at their Will and Pleasure, one or more honest fit Person or Persons, to be Governor or Master of the said House or Houses so to be purchased, erected, built or provided; (2) Which Person and Persons so chosen by virtue of this present Act, shall have Power and Authority to set such Rogues, Vagabonds, idle and disorderly Persons, as shall be brought or sent unto the said House, to work and labour (being able) from Time to Time, for such Time as they shall continue and be remaining in the said House of Correction, and to punish the said Rogues, Vagabonds, idle and disorderly Persons, by putting Fetters or Givies upon them, and by moderate whipping of them; (3) And that the said Rogues, Vagabonds and idle Persons, during such Time as they shall continue and remain in the said House of Correction, shall in no sort be chargeable to the Country for any Allowance, either at their bringing in or going forth, or during the Time of their Abode there, but shall have such and so much Allowance as they shall deserve by their own Labour and Work.

A Governor shall be appointed of every House of Correction, and his Authority.

The Rogues shall not be chargeable to the Country

V. And be it further enacted by the Authority aforesaid, That the said Justices of Peace of every County, within every of their several Divisions, twice in every Year at the least, and oftner if there be Occasion, shall assemble and meet

No. 7.  
7 James 1.  
c. 4.

General privy  
Search shall be  
made in every  
Hundred,  
Town, &c.

Repealed by  
12 Anne, Stat.  
2. c. 23. sect.  
28.

The Consta-  
bles Account of  
Vagabonds ap-  
prehended.

The Gover-  
nor's Allowance  
for his Pains  
and Mainte-  
nance.

together for the better Execution of this Statute : and that some four or five Days before their Assembly and Meeting, the said Justices or the more Part of them shall by their Warrant command the Constables and Tythingmen of every Hundred, Town, Parish, Village and Hamlet, within their said several Divisions, which shall be assisted with sufficient Men of the same Places, to make a general privy Search in one Night within their said Hundreds, Towns, Villages and Hamlets, for the finding out and apprehending of the said Rogues, Vagabonds, wandering and idle Persons; (2) and that such Rogues, Vagabonds, wandering and idle Persons, as they shall then find and apprehend in the said Search, shall by them be brought before the said Justices at their said Assembly or Meeting, there to be examined of their idle and wandering Life, there to be punished, or otherwise by their Warrant to be sent or conveyed unto the said House or Houses of Correction within the said County appointed and prefixed there, to be delivered to the Master or Governor of the said House, or to his Deputy or Assignee, to be set to Labour and Work; (3) At which Days and Times of Assembly and Meeting so to be held by the said Justices of Peace, the Constables and Tythingmen of every Hundred, Parish, Town, Village, and Hamlet, shall then appear in every their several Divisions, before the said Justices of Peace, at the said Assemblies or Meetings, and there shall give Account and Reckoning upon Oath in Writing, and under the Hand of the Minister of every Parish, what Rogues, Vagabonds, and wandering and disorderly Persons they have apprehended, both in the same Search, and also between every such Assemblies and Meetings, and how many have been by them punished or otherwise sent unto the Houses of Correction: Which if the said Constables or Tythingmen shall neglect to perform, as also to convey safely all such Rogues, with all other idle and disorderly Persons, at the Charge of the Hundred, as by the Justices of Peace their Warrants shall be sent unto the Houses of Correction in the same County; that then they shall forfeit such further Fines, Pains and Penalties, as by the said Justices of Peace or the most Part of them shall be thought fit and convenient, not exceeding the Sum of forty Shillings for every Offence.

‘VI. And for that it is consistent that the Masters or Governors of the said Houses of Correction should have some fit Allowance and Maintenance for their Travel and Care to be had in the said Service, as also for the relieving of such as shall happen to be Weak and Sick in their Custody, and that the Subjects of this Realm should in no sort be over-charged, to raise up Money for Stocks to set such on Work as shall be committed to their Custody;’ (2) Be it therefore enacted and established by the Authority of this present Parliament, That the Master or Governors of the said Houses of Correction, shall have such Sums of Money yearly, as shall be thought meet by the most Part of the Justices of Peace within the said County at the Quarter Sessions of the

Peace, the same to be paid quarterly before-hand by the Treasurer, appointed by one Act made in the three and fortieth Year of the late Queen Elizabeth, intituled, *An Act for the Relief of the Poor*, during the Time they the said Masters and Governors shall be employed in the said Service, (the said Master or Governor giving sufficient Security for the Continuance and Performance of the said Service) (3) which if the said Treasurer shall neglect or refuse to perform, That then the said Master or Governor of the House of Correction shall have Authority by this present Act to levy the same, or so much thereof as shall be unpaid, upon the said Treasurer's Account, in such Manner and Form as by the said Statute they the said Treasurers are appointed and authorised to levy the weekly Sum or Payment being to them unpaid.

'VII. And because great Charge ariseth upon many Places within this Realm by reason of Bastardy, besides the great Dishonour of Almighty God, Be it therefore enacted by the Authority aforesaid, That every lewd Woman, which after this present Session of Parliament shall have any Bastard which may be chargeable to the Parish, the Justices of Peace shall commit such lewd Woman to the House of Correction, there to be punished and set on work, during the Term of One whole Year; and if she shall afterwards offend again, That then to be committed to the said House of Correction as aforesaid, and there to remain until she can put in good Sureties for her good Behaviour, not to offend so again.

'VIII. And for that many wilful People finding that they having Children, have some Hope to have Relief from the Parish wherein they dwell, and being able to Labour, and thereby to relieve themselves and their Families, do nevertheless run away out of their Parishes, and leave their Families upon the Parish; (2) For Remedy whereof, Be it further enacted by this present Parliament, and the Authority of the same, That all such Persons so running away shall be taken and deemed to be incorrigible Rogues, and endure the Pain of incorrigible Rogues: (3) And if either such Man or Woman being able to work, and shall threaten to run away and leave their Families as aforesaid, the same being proved by two sufficient Witnesses upon Oath before two Justices of Peace in that Division; That then the said Persons so threatening shall by the said Justices of Peace be sent to the Houses of Correction, (unless he or she can put in sufficient Sureties for the Discharge of the Parish) there to be dealt with and detained as a sturdy and wandering Rogue, and to be delivered at the said Assembly or Meeting, or at the Quarter-Sessions, and not otherwise.

'IX. And because there shall be the more Care taken by all such Masters of the Houses of Correction, that when the Country hath been at Trouble and Charge to bring all such disorderly Persons as aforesaid, to their safe Keeping, that then they shall perform their Duties in that Behalf; (2) Be it therefore enacted by the Authority aforesaid, That if they shall

No. 7.

7 James 1.

c. 4

43 Eliz. c. 2.

The Punishment of lewd Women who have Bastards.  
18 Eliz. c. 3.  
2 Huzt. 348.  
3 Car. 1. c. 4.  
sect. 15.

A Remedy for them that run away and leave their Children to the Charge of the Parish  
Geo. 1. c. 8.

The Governors shall give Account to the Justices of all Persons committed to their Custody.

No. 7.  
7 James I.  
c. 4.

not every Quarter Sessions yield a true and lawful Account unto the Justices of Peace of all such Persons as have been committed to their Custody, or if the said Persons committed to their Custody, or any of them, shall be troublesome unto the Country, by going Abroad, or otherwise shall escape away from the said House of Correction before they shall be from thence lawfully delivered; that then the said Justices shall set down such Fines and Penalties upon the said Master and Governors, as the most Part of them in their Quarter-Sessions shall think fit and convenient; (3) and all Fines and Penalties not herein before limited shall be paid unto the Treasurer, and accounted for by the Treasurer aforesaid, (4) This Act to have Continuance for the Space of seven Years, and from thence to the End of the next Session of Parliament after the said seven Years. [3 Car. 1. c. 4. continued until the End of the first Session of the next Parliament, and farther continued by 16 Car 1 c. 4.]

The Continu-  
ance of this Act.

### No. 8.

19 Charles II. c. 4.—An Act for Relief of poor Prisoners, and setting them on Work.

No. 8  
19 Charles II  
c. 4

14 Eliz c 5  
43 Eliz c. 2.  
sect 14

How Stocks  
may be provided  
for setting the  
Poor on work.

“WHEREAS there is not yet any sufficient Provision made for the Relief and setting on Work of poor and needy Persons committed to the common Gaol for Felony and other Misdemeanors, who many Times perish before their Trial, and the Poor their living idly and unemployed, become debauched, and come forth instructed in the Practice of Thievery and Lewdness; (1) For Remedy whereof he it enacted by the King's most Excellent Majesty, with Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, That the Justices of the Peace, of the respective Counties at any their General Sessions, or the major Part of them then there assembled, if they shall find it needful so to do, may provide a Stock of such Material as they find convenient for the setting poor Prisoners on Work, in such Manner and by such Ways, as other County Charges by the Laws and Statutes of the Realm are and may be levied and raised; and to pay and provide fit Persons to oversee and to set such Prisoners on Work, (3) and make such Orders for Accounts of and concerning the Premises, as shall by them be thought needful, and for Punishment of Neglects and other Abuses, and for bestowing of the Profit arising by the Labour of the Prisoners so set on work, for their Relief, which shall be duly observed; and may alter, revoke or amend such their Orders from Time to Time. (4) Provided that no Parish be rated above six Pence by the Week towards the Premises, having Respect to the respective Values of the several Parishes.

‘II. And whereas sometimes by Occasion of the Plague, and other whiles by the great Number of Prisoners, great and infectious Diseases have happened among the Prisoners, whereby it hath come to pass sometimes that the Judges, Justices and Jurors have, upon Occasion of their Attendance at the Trial of Prisoners been infected, and many of them died thereof, and sometimes such Infection hath spread in the Country :’ (2) For some Remedy therein, be it by the same Authority enacted, That any Sheriff of the respective Counties having the Custody of the Gaol, or such Persons who have the Custody of the Gaol, with the Advice and Consent of three or more Justices of the Peace, whereof one to be of the *Quorum*, may, if they shall on Enquiry or Information find it needful, upon emergent Occasions in the respective Counties, provide other safe Places for the Removal of sick or other Persons from and out of the ordinary and usual Gaols; (3) the same Places to be used and employed for the Reception and Custody of the Prisoners, to be by or according to their Order or Orders kept, ordered, disposed and conveyed to the Places appointed for the Gaol-delivery, in such and like Manner as such Prisoners ought to be kept, ordered, disposed and conveyed, in and from the common Gaols by the Laws and Statutes of the Land. Provided no such Place be made Use of for the Purposes aforesaid, against the Good and Free-will of the Owners thereof.

No. 8.  
19 Charles II.  
c. 4.  
Sickness and  
Diseases hap-  
pening among  
Prisoners.

III. Provided also, and be it enacted by the Authority aforesaid, That the Mayor, Bailiff and other Head Officer, or any other Person and Persons who have and hath the Custody of the common Gaol within any Corporation of this Kingdom and Dominion of Wales, shall by and with the Advice of three or more Justices of Peace within the said Corporation, whereof one of them to be of the *Quorum*, in Time of Infection, have the like Power and Authority for removing his and their Prisoners into some other convenient Place within their Jurisdiction as to them shall seem fit, during the Time of Infection; and also to raise a Stock after the same Rates and Proportions, as is herein before allowed to and for the several Counties of this Kingdom.

Removing of  
Prisoners.

[Section IV. relates only to the County of Devon.]

### No. 9.

31 Charles II. c. 2.—An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonment beyond the Seas.

[Inserted Part IV. Title *Arrest and Imprisonment.*]

## No. 10.

11 and 12 William III. c. 19.—An Act to enable Justices of Peace to build and repair Gaols in their respective Counties.

No. 10.  
11 and 12 Will.  
III c. 19.

Continued by  
10 Ann c. 14,  
which is made  
perpetual 6 Geo.  
I c. 19.

Justices of  
Peace on Pre-  
sentment of the  
Grand Jury,  
&c. of the In-  
sufficiency, &c.  
of any Gaol, &c.  
may agree on a  
Sum for building  
or repairing a  
publick Gaol,  
and may charge  
the Sums to be  
levied on the  
several Hun-  
dreds, &c. of  
the County.

**W**HEREAS for Want of due Repair, several Gaols and Prisons within this Realm are become prejudicial to the Health of Prisoners, and insufficient for the safe Custody of them; Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same; That it shall and may be lawful for the Justices of the Peace, or the greater Number of them, within the Limits of their Commissions, upon Presentment of the Grand Jury or Grand Juries at the Assize, Great Sessions, and General Gaol Delivery, held for the said County, of the Insufficiency or Inconveniency of their Gaol or Prison, to conclude or agree upon such Sum or Sums of Money, as upon Examination of able and sufficient Workmen shall be thought necessary for the building, finishing or repairing a publick Gaol or Gaols belonging to the Shire or County whereof they are Justices of the Peace; and by Warrant under their Hands and Seals, or under the Hands and Seals of the greater Number of them, by equal Proportion to distribute and charge the Sum or Sums of Money to be levied for the Uses aforesaid, upon the several Hundreds, Lathes, Wapentakes, Rapes, Wards, or other Divisions, of the said County; and the Justices of the Peace are hereby authorized and empowered, at the General Quarter Sessions held for the respective Division of the said County, to direct their Warrants or Precepts to High Constables, Petty Constables, Bailiffs, or other Officer or Officers, as they in their Discretion shall think most convenient for levying and collecting the same.

If Persons  
refuse to pay the  
Assessment,

**II.** And be it further enacted and declared, That if any Person or Persons shall refuse or neglect to pay his or their Assessment, by the Space of four Days after the Demand thereof by the proper Officer appointed to collect the same, or shall convey away his or their Goods or Estate, whereby the Sum or Sums of Money so assessed cannot be levied, then it shall and may be lawful to and for the said Collectors, by Warrants from any one of the Justices of the Peace present at the said General Quarter Sessions, as aforesaid, to levy the Sum so assessed by Distress and Sale of the Goods and Chattels of such Persons so refusing or neglecting to pay, and the Goods and Chattels then and there found; and the Distress so taken, to keep by the Space of four Days at the Costs and Charges of the Owner thereof; and if the said Owner do not pay the Sum or Sums of Money so rated or assessed, within the Space of the said four Days, then the said Distress to be appraised by two or more of the Inhabitants, where the same shall be taken, or

Collector may  
levy the same  
by Distress.

other sufficient Persons, and to be sold by the Collector for Payment of the said Money, and the Overplus of such Sale (if any be) over and above the Sum so assessed, and Charges of taking and keeping of the Distress, to be immediately returned to the Owner thereof; and the said Justices of the Peace are hereby authorized and empowered, under their Hands and Seals, or under the Hands and Seals of the greater Number of them, to constitute and appoint one or more sufficient Person or Persons to be Receiver of the Money so assessed; the said Receiver first giving Security to be accountable, when thereunto required, for all Sums of Money received or disbursed by him in pursuance of such Order as he shall have received, under the Hands and Seals of the Justices of the Peace, or the greater Number of them; and if the said Receiver or Receivers, High Constable, Petty Constable, or other Officers, shall, by the Space of four Days after Demand, refuse to account for all Sums of Money received by them, in pursuance of this Act, then it shall and may be lawful for the Justices of the Peace, or the greater Number of them, to commit him or them to Prison, there to remain without Bail or Mainprize, until he or they shall have made a true Account, satisfied, or paid such Sum or Sums of Money, as shall appear to remain in his or their Hands; and the Receipt of such Receiver shall be a sufficient Discharge to all High Constables, Petty Constables, or other Officer or Officers paying their Proportion of such Assessments; and the Discharge under the Hands and Seals of the Justices of the Peace, or the greater Number of them, at the Assize, Great Sessions, and General Gaol Delivery, to such their Receiver, shall be deemed and allowed as a good and sufficient Release, Acquittance, or Discharge in any Court of Law or Equity, to all Intents and Purposes whatever; and the said Justices of the Peace are hereby authorized and empowered to covenant, contract, and agree with any Person or Persons, for the well and sufficient building, finishing or repairing of the said Gaol or Gaols.

No. 10.  
and 12 Will.  
III. c. 19.

Justices to  
appoint a Receiver,  
who shall  
give Security.

Penalty on  
Receiver, Col-  
lector, &c. refus-  
ing to account.

Receiver's Re-  
ceipt a Dis-  
charge to Col-  
lectors.

III. And be it further enacted by the Authority aforesaid, That all Murderers and Felons shall be imprisoned in the said Common Gaol, and not elsewhere; and that the Sheriff shall have the keeping of the said Gaols.

Felons kept in  
Common Gaols

IV. Provided always, That this Act be not in any wise hurtful or prejudicial to any Person or Persons, having any Common Gaol by Inheritance for Term of Life, or for Years, but that they shall have and enjoy the said Gaols, and the Profits, Fees, and Commodities of the same, as they had or might lawfully have had before making this Act, and as if this Act never had been made.

Act not to pre-  
judice Gaols  
held by Inheri-  
tance, &c.

V. Provided, That this Act shall not extend to charge any Person inhabiting in any Liberty, City, Town, or Borough Corporate, which have Common Gaols for Felons taken in the same, and Commissions of Assize, or Gaol Delivery of such Felons, for any Assessment to the making the Common Gaol or Gaols of the respective Shire or County.

Inhabitants in  
any Liberty,  
&c. who have a  
Common Gaol,  
not chargeable.



## No. 10.

11 and 12 William III. c. 19.—An Act to enable Justices of Peace to build and repair Gaols in their respective Counties.

No. 10.  
11 and 12 Will.  
III c. 19.

Continued by  
10 Ann c. 14,  
which is 'made  
perpetual 6 Geo.  
I c. 19.'

Justices of  
Peace on Pre-  
sentment of the  
Grand Jury,  
&c. of the In-  
sufficiency, &c.  
of any Gaol, &c.  
may agree on a  
Sum for building  
or repairing a  
publick Gaol,  
and may charge  
the Sums to be  
levied on the  
several Hun-  
dreds, &c. of  
the County.

**W**HEREAS for Want of due Repair, several Gaols and Prisons within this Realm are become prejudicial to the Health of Prisoners, and insufficient for the safe Custody of them; Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Justices of the Peace, or the greater Number of them, within the Limits of their Commissions, upon Presentment of the Grand Jury or Grand Juries at the Assize, Great Sessions, and General Gaol Delivery, held for the said County, of the Insufficiency or Inconvenience of their Gaol or Prison, to conclude or agree upon such Sum or Sums of Money, as upon Examination of able and sufficient Workmen shall be thought necessary for the building, finishing or repairing a publick Gaol or Gaols belonging to the Shire or County whereof they are Justices of the Peace; and by Warrant under their Hands and Seals, or under the Hands and Seals of the greater Number of them, by equal Proportion to distribute and charge the Sum or Sums of Money to be levied for the Uses aforesaid, upon the several Hundreds, Lathes, Wapentakes, Rapes, Wards, or other Divisions, of the said County; and the Justices of the Peace are hereby authorized and empowered, at the General Quarter Sessions held for the respective Division of the said County, to direct their Warrants or Precepts to High Constables, Petty Constables, Bailiffs, or other Officer or Officers, as they in their Discretion shall think most convenient for levying and collecting the same:

If Persons  
refuse to pay the  
Assessment,

**H.** And be it further enacted and declared, That if any Person or Persons shall refuse or neglect to pay his or their Assessment, by the Space of four Days after the Demand thereof by the proper Officer appointed to collect the same, or shall convey away his or their Goods or Estate, whereby the Sum or Sums of Money so assessed cannot be levied, then it shall and may be lawful to and for the said Collectors, by Warrants from any one of the Justices of the Peace present at the said General Quarter Sessions, as aforesaid, to levy the Sum so assessed by Distress and Sale of the Goods and Chattels of such Persons so refusing or neglecting to pay, and the Goods and Chattels then and there found, and the Distress so taken, to keep by the Space of four Days at the Costs and Charges of the Owner thereof; and if the said Owner do not pay the Sum or Sums of Money so rated or assessed, within the Space of the said four Days, then the said Distress to be appraised by two or more of the Inhabitants, where the same shall be taken, or

Collector may  
levy the same  
by Distress.

other sufficient Persons, and to be sold by the Collector for No. 10.  
 Payment of the said Money, and the Overplus of such Sale (if <sup>11</sup> and 12 Will.  
 any be) over and above the Sum so assessed, and Charges <sup>III. c. 19.</sup>  
 of taking and keeping of the Distress, to be immediately  
 returned to the Owner thereof; and the said Justices of the  
 Peace are hereby authorized and empowered, under their  
 Hands and Seals, or under the Hands and Seals of the greater  
 Number of them, to constitute and appoint one or more suf-  
 ficient Person or Persons to be Receiver of the Money so  
 assessed; the said Receiver first giving Security to be account-  
 able, when thereunto required; for all Sums of Money received  
 or disbursed by him in pursuance of such Order as he shall have  
 received, under the Hands and Seals of the Justices of the  
 Peace, or the greater Number of them; and if the said Recei-  
 ver or Receivers, High Constable, Petty Constable, or other  
 Officers, shall, by the Space of four Days after Demand,  
 refuse to account for all Sums of Money received by them, in  
 pursuance of this Act, then it shall and may be lawful for the  
 Justices of the Peace, or the greater Number of them, to com-  
 mit him or them to Prison, there to remain without Bail or  
 Mainprize, until he or they shall have made a true Account,  
 satisfied, or paid such Sum or Sums of Money, as shall appear  
 to remain in his or their Hands; and the Receipt of such Recei-  
 ver shall be a sufficient Discharge to all High Constables, Petty  
 Constables, or other Officers or Officers paying their Proportion  
 of such Assessments; and the Discharge under the Hands and  
 Seals of the Justices of the Peace, or the greater Number of  
 them, at the Assize, Great Sessions, and General Gaol Deli-  
 very, to such their Receivers, shall be deemed and allowed as  
 a good and sufficient Release, Acquittance, or Discharge in any  
 Court of Law or Equity; to all Intents and Purposes whatever;  
 and the said Justices of the Peace are hereby authorized and  
 empowered to covenant, contract, and agree with any Person  
 or Persons, for the well and sufficient building, finishing or  
 repairing of the said Gaol or Gaols.

Justices to  
 appoint a Recei-  
 ver, who shall  
 give Security.

Penalty on  
 Receiver, Col-  
 lector, &c. refus-  
 ing to account.

Receiver's Re-  
 ceipt a Dis-  
 charge to Col-  
 lectors.

III. And be it further enacted by the Authority aforesaid, <sup>Felons kept in</sup>  
 That all Murderers and Felons shall be imprisoned in the <sup>Common Gaols</sup>  
 said Common Gaol, and not elsewhere; and that the Sheriff  
 shall have the keeping of the said Gaols.

IV. Provided always, That this Act be not in any wise <sup>Act not to pre-</sup>  
 hurtful or prejudicial to any Person or Persons, having any <sup>judice Gaols</sup>  
 Common Gaol by Inheritance for Term of Life, or for Years, <sup>held by Inheri-</sup>  
 but that they shall have and enjoy the said Gaols, and the <sup>tance, &c.</sup>  
 Profits, Fees, and Commodities of the same, as they had or  
 might lawfully have had before making this Act, and as if this  
 Act never had been made.

V. Provided, That this Act shall not extend to charge any <sup>Inhabitants in</sup>  
 Person inhabiting in any Liberty, City, Town, or Borough <sup>any Liberty,</sup>  
 Corporate, which have Common Gaols for Felons taken in the <sup>&c. who have a</sup>  
 same, and Commissions of Assize, or Gaol Delivery of such <sup>Common Gaol,</sup>  
 Felons, for any Assessment to the making the Common Gaol or <sup>not chargeable.</sup>  
 Gaols of the respective Shire or County.

No 10  
11 and 12 Will  
c III 19

General Issue.

Treble Cos

If Gaols be  
situate on the  
Crown Lands,  
such Lands  
shall not be  
alienable

No Officer to  
enter into Peers  
House to dis-  
train, &c.

Act to continue  
10 Years  
1 Geo I c 26

VI. And be it further enacted by the Authority aforesaid, That if any Action, Plaint, Suit, or Information shall be commenced or prosecuted against any Person or Persons, for what he or they shall do in Pursuance or in Execution of this Act, such Person or Persons so sued in any Court whatever, shall and may plead the General Issue, Not guilty, and upon any Issue joined may give this Act and the Special Matter in Evidence, and if the Plaintiff or Prosecutor shall become nonsuit, or forbear further Prosecution, or suffer a Discontinuance, or if a Verdict pass against him, the Defendants shall recover their Treble Costs, for which they shall have the like Remedy, as in any Case when Costs by Law are given to Defendants.

VII. And be it further enacted, That where any Prisons or Gaols belonging to any County of this Realm, or the Dominion of Wales, are situate upon any Lands or Hereditaments of or belonging to the King's Majesty in Right of the Crown, that the said Lands and Hereditaments, with their and every of their Appurtenances, shall not at any Time be alienated from the Crown, but remain and be to the publick Service and Benefit of the County.

VIII. Provided always, and it is hereby enacted, That it shall not be lawful for any Collector or other Officer to enter into the Mansion-house of any Peer or Peeress of this Realm, to distrain for the Duties aforesaid.

IX. Provided, That this Act shall continue and be in Force for the Space of ten Years, and from thence to the End of the next Session of Parliament, and no longer. [Made perpetual by 6 Geo. 1. cap. 19. sect. 1.]

#### No. 11.

6 George I. c. 19.—An Act for making perpetual so much of an Act made in the tenth Year of the Reign of Queen Anne, for the reviving and continuing several Acts therein mentioned, as relates to the building and repairing County Gaols; and also an Act of the eleventh and twelfth Years of the Reign of King William the Third, for the more effectual Suppression of Piracy; and for making more effectual the Act of the thirteenth Year of the Reign of King Charles the Second, intituled, "An Act for establishing Articles and Orders for the regulating and better Government of his Majesty's Ships of War and Forces by Sea."

No 11  
6 Geo. I c 19  
10 Ann, c 14  
sect. 2.

WHEREAS in an Act made in the tenth Year of the Reign of Queen Anne, intituled "An Act for the reviving and continuing several Acts therein mentioned, for the preventing of Mischiefs which may happen by Fire; for

' building and repairing County Gaols; for exempting of No. 11.  
 ' Apothecaries from serving Parish and Ward Offices, and <sup>6 Geo. 1. c. 19.</sup>  
 ' serving upon Juries; and relating to the returning of Jurors;"  
 ' there is a Clause relating to the building and repairing County  
 ' Gaols, which by Experience has been found very useful and  
 ' beneficial to the Publick; and will expire at the End of this <sup>So much of</sup>  
 ' present Session of Parliament; Be it therefore enacted by <sup>the recited Act</sup>  
 the King's most Excellent Majesty, by and with the Advice <sup>as relates to</sup>  
 and Consent of the Lords spiritual and Temporal, and Com- <sup>County Gaols,</sup>  
 mons, in this present Parliament assembled, and by the Autho- <sup>made perpetual.</sup>  
 rity of the same, That so much of the said Act made in the  
 tenth Year of the Reign of Queen Anne, as relates to the  
 building and repairing County Gaols, shall be and is hereby  
 made perpetual.

' II. And whereas Vagrants and other Criminals, Offen- <sup>39 El. c. 17.</sup>  
 ders and Persons charged with small Offences, are for such <sup>7 Jac. 1. c. 4.</sup>  
 ' Offences, or for want of Sureties, to be committed to the  
 ' County Gaol, it being adjudged that by Law the Justices of <sup>Justices of</sup>  
 ' the Peace cannot commit them to any other Prison for safe <sup>Peace may</sup>  
 ' Custody, which by Experience hath been found to be very <sup>commit Va-</sup>  
 ' prejudicial and expensive: Be it enacted by the Authority <sup>grants, &c. to</sup>  
 aforesaid, That it shall and may be lawful to and for the Justices <sup>the Common</sup>  
 of the Peace within their respective Jurisdictions, to commit <sup>Gaol or House</sup>  
 such Vagrants and other Criminals, Offenders, Person and <sup>of Correction.</sup>  
 Persons, either to the Common Gaol or House of Correc-  
 tion, as they in their Judgment shall think proper; any Law,  
 Custom or Usage to the contrary notwithstanding.

III. And be it further enacted by the Authority afore- <sup>See farther,</sup>  
 said, That the Act made in the Eleventh and twelfth Years <sup>14 Geo. 2. c.</sup>  
 of the Reign of his late Majesty King William the Third, intitu- <sup>33. and 3 Bar.</sup>  
 led, " An Act for the more effectual Suppression of Piracy," <sup>1679.</sup>  
 shall be and is hereby made perpetual. <sup>The Act of</sup>  
<sup>11 and 12 W.</sup>  
<sup>3. c. 7. made</sup>  
<sup>perpetual.</sup>

" Persons in the Sea-service, who shall commit any of the  
 " Crimes mentioned in 12 Car. 2. Stat. 1. c. 9. upon the Shore  
 " in foreign Parts, shall be tried and punished as if they had  
 " been committed on the main Sea." Rep. 22 Geo. 2. c. 33.

#### No. 12.

14 George II. c. 39.—An Act to supply some Defects in  
 the Laws for repairing and rebuilding County Bridges,  
 for repairing, enlarging, erecting, and providing  
 Houses of Correction, and for passing Rogues and  
 Vagabonds.

[Inserted ante Class VI. No. 3.]

## No. 13.

15 George II. c. 24.—An Act to empower the Justices of the Peace of a Liberty or Corporation, to commit Offenders to the House of Correction of the County, Riding, or Division, in which such Liberty or Corporation is situate.

No. 13.  
15 George II.  
c. 24.

9 Geo. I. c. 7.

Justices of a  
Liberty or Cor-  
poration, may  
commit Offend-  
ers to the House  
of Correction of  
the County, &c.

‘WHEREAS Doubts and Questions have arisen, touching the Commitment of Offenders, by Justices of the Peace of Liberties and Corporations, to the Houses of Correction of Counties, Ridings or Divisions, in which such Liberties and Corporations are situate, though the Inhabitants of such Liberties and Corporations contribute to the Maintenance and Support of such Houses of Correction;’ Be it therefore declared and enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases, where any Person liable by Law to be committed to the House of Correction, shall be apprehended within any Liberty, City, or Town Corporate, whose Inhabitants are contributory to the Support and Maintenance of the House or Houses of Correction of the County, Riding, or Division, in which such Liberty, City, or Town Corporate is situate: it shall and may be lawful for the Justices of the Peace of such Liberty, City, or Town Corporate, to commit such Person to the House of Correction of the County, Riding or Division, in which such Liberty, City or Town Corporate is situate; which Person so committed, shall and may be received, detained, dealt with, and ordered, and be set and kept to hard Labour, or conveyed and sent away, or discharged, and be subject and liable to the same Correction and Punishment, to all Intents and Purposes, as if committed by any Justice or Justices of the Peace, of the same County, Riding, or Division.

## No. 14.

17 George II. c. 5.—An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction.

[Inserted post. Title *Vagrants*]

## No. 15.

24 George II. c. 40.—An Act for granting to his Majesty an additional Duty upon Spirituous Liquors, and upon Licences for retailing the same; and for repeal-

ing the Act of the twentieth Year of his present Majesty's Reign, intituled, 'An Act for granting a Duty to his Majesty, to be paid by Distillers upon Licences to be taken out by them for retailing Spirituous Liquors;' and for the more effectually restraining the Retailing of distilled Spirituous Liquors; and for allowing a Drawback upon the Exportation of British made Spirits; and that the Parish of *St. Mary le Bon*, in the County of *Middlesex*, shall be under the Inspection of the Head Office of Excise.

XIII. **A**ND be it further enacted by the Authority aforesaid, No. 15.  
24 George II.  
c. 40. That no Licence shall be granted for the retailing of Spirituous Liquors within any Gaol, Prison, House of Correction, Work-house, or House of Entertainment for any Parish Poor, and that all Licences granted or to be granted, contrary to this Provision, shall be void and of no Effect from and after the said first Day of July one thousand seven hundred and fifty-one: and if any Gaoler, Keeper, or Officer of any Gaol, Prison, or House of Correction, or any Governor, Master, or Officer of any Work-house, or House for the Entertainment of any Parish Poor, shall sell, use, lend, or give away, or knowingly permit or suffer any Spirituous Liquors or Strong Waters to be sold, used, lent, or given away, in any such Gaols, Prisons or Houses of Correction, or brought into the same; other than and except such Spirituous Liquors and Strong Waters, as shall be prescribed or given by the Prescription and Direction of a regular Physician, Surgeon, or Apothecary, and to be applied in pursuance of such Prescription, from the Shop of some regular Apothecary; every such Gaoler, Keeper, Governor, Master, or other Officer shall, for every such Offence, forfeit and lose the Sum of one hundred Pounds; one Moiety thereof to his Majesty, and the other Moiety thereof, with full Costs of Suit, to such Person or Persons as will sue for the same, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of *Exchequer* in *Scotland*, by Action of Debt, Bill, Plaint, or Information; wherein no Essoin, Privilege, Protection, Wager of Law, or more than one Imparance shall be granted or allowed; and in case any such Gaoler or other Officer, being convicted thereof as aforesaid, shall again offend in like Manner, and be thereof a second Time lawfully convicted, such second Offence shall be deemed a Forfeiture of his Office. No Licence to be granted for retailing within Gaols, Keeper, &c. suffering Spirituous Liquors to be use there, &c.  
  
to forfeit 100l.  
  
for second Offence, forfeits his Office.  
  
Justices, upon Information that Liquors are kept, &c. in such Houses, may enter and search, &c.

XIV. And be it further enacted by the Authority aforesaid, that from and after the said first Day of July, one thousand seven hundred and fifty-one, it shall and may be lawful for his Majesty's Justices of the Peace, or any one of them, upon Information upon Oath, That any such Spirituous Liquors, or Strong Waters are kept and disposed of in any such Gaol, Prison, House of Correction, Work-house, or House of Entertainment for Parish Poor, in *Great Britain*, to enter and search,

No. 15. or to authorize and impower any Constable, Headborough,  
 24 George II. or other Peace Officer of the Parish where any such Places  
 c. 40. are situated, by Warrant under his Hand and Seal to enter and  
 search any such Gaol, Prison, House of Correction, Work-house,  
 or House of Entertainment for Parish Poor; and in case any such  
 Spirituous Liquors or Strong Waters shall be found therein  
 (except such as are directed to be used medicinally as aforesaid),  
 it shall and may be lawful for such Constable, Headborough,  
 or Overseer of the Poor, to seize such Spirituous Liquors  
 or Strong Waters, and to cause the same to be forthwith staved  
 and destroyed.

Persons car-  
 rying &c Li-  
 quors into such  
 Houses,

to be taken be-  
 fore a Justice,

and on Convic-  
 tion, to be com-  
 mitted, or pay,  
 &c.

Copy of the  
 three preceding  
 Clauses to be  
 kept hung up in  
 Gaols, &c under  
 a Penalty of  
 40s.

XV. And be it enacted by the Authority aforesaid, That no  
 Person shall carry or bring, or attempt or endeavour to carry or  
 bring any distilled Spirituous Liquors (except to be used by  
 the way of Medicine as herein before-mentioned), into any  
 Gaol, Prison, House of Correction, Work-house, or House  
 of Entertainment for Parish Poor; and if any Person or Persons  
 shall offend therein, it shall be lawful for the Gaoler, Keeper,  
 Master, or Chief Officer of such Gaol, Prison, House of Cor-  
 rection, Work-house, or House of Entertainment for Parish  
 Poor, or his or their Servants, to apprehend such Person or  
 Persons, and to carry him, her, or them, before a Justice  
 of the Peace for the County, Division, City, Town Corporate,  
 or Liberty, where such Gaol, Prison, House of Correction,  
 Work-house, or House of Entertainment for Parish Poor, is  
 situate (who is hereby impowered to hear and determine such  
 Offence in a summary Way, and to administer an Oath to the  
 Witnesses); and if by the Oath of one credible Witness, or  
 otherwise, he shall convict such Person or Persons of such  
 Offence, he shall forthwith commit such Offender or Offenders  
 to Prison; or to the House of Correction, there to be kept in  
 Custody for any Time not exceeding three Months, without  
 Bail or Mainprize, unless such Offenders respectively shall  
 immediately pay down such Sum or Sums of Money, not  
 exceeding twenty Pounds, and not less than ten Pounds,  
 as the Justice shall impose upon such Offenders severally, as  
 their Fines; to be paid, one Moiety to the Informer, and the  
 other Moiety to the Use of the Poor of such Gaol, Prison,  
 House of Correction, Work-house, or House of Entertainment  
 for Parish Poor.

XVI. And be it further enacted by the Authority afore-  
 said, That every Gaoler, Keeper, Master, and Chief Officer  
 of every Gaol, Prison, House of Correction, Work-house,  
 and House of Entertainment for any Parish Poor, shall on  
 or before the first Day of August one thousand seven hundred  
 and fifty-one, procure one or more Copy or Copies of the  
 three preceding Clauses, to be printed or fairly written, and  
 hung up in one of the most public Places of his Gaol, Prison,  
 House of Correction, Work-house, or House of Entertainment  
 for Parish Poor, and renew the same from Time to Time, so  
 that it may be always kept fair and legible; on Pain of forfeit-  
 ing the Sum of forty Shillings for every wilful Default, to be

levied by Warrant of any Justice of the Peace of the County, Division, City, Town Corporate, or Liberty where such Gaol, Prison, House of Correction, Work-house, or House of Entertainment for Parish Poor, shall be situate, to be granted on Conviction of such Default, in a summary Way, before such Justice, by the Oath of one or more credible Witness or Witnesses (which Oath such Justice is hereby impowered to administer); and it shall and may be lawful for every Justice of Peace, to enter into any Gaol, Prison, House of Correction, Work-house, or House of Entertainment for Parish Poor, within the Limits of his Jurisdiction, and demand a Sight of such Copy, so hung up as aforesaid; and if the same shall not be forthwith shewn to him so hung up in some public Place, fair and legible, as aforesaid, such Justice shall and may immediately convict such Gaoler, Keeper, Master, or Officer of such Default, and so, from Time to Time, as often as he shall think fit; one Moiety of the said Penalty to be paid to the Informer, and the other Moiety (or the whole if there be no Informer) to the Use of the Poor of such Gaol, Prison, House of Correction, Work-house, or House of Entertainment for Parish Poor.

No. 15.  
24 George II.  
c. 40.

Justice may  
demand a Sight  
thereof;

and if the same  
be not fair, may  
convict the  
Gaoler, &c.

#### No. 16.

52 Geo. II. c. 28.—An Act for the Relief of Debtors with respect to the Imprisonment of their Persons; and to oblige Debtors who shall continue in Execution in Prison beyond a certain Time, and for Sums not exceeding what is mentioned in the Act, to make Discoveries of, and deliver upon Oath, their Estates for their Creditors Benefit.

[Inserted Part IV: *The Arrest and Imprisonment*]

#### No. 17.

13 George III. c. 58.—An Act for providing Clergymen to officiate in Gaols within that Part of Great Britain called England.\*

WHEREAS there is no Provision made by Law for the Appointment of proper Ministers to officiate in the several County Gaols within that Part of Great Britain called England, and the Principality of Wales; And whereas the Appointment of Ministers to such Gaols, with a proper Salary, for the due Execution of their Duty as Clergymen, would alleviate the Distress of the Persons under Confinement, and would greatly contribute to the Purposes of Morality and Religion; may it therefore please your Majesty that it may be enacted; and be it enacted by the

No. 17.  
13 George III.  
c. 58.

\* See Stat. 55 George III. c. 48. post. No. 27.



No 17  
13 George III  
c 48.

Justices to as-  
certain how  
many Clergy-  
men are to be  
employed in  
Gaols and  
what Salary.

Treasurers of  
Counties to pay.

Justices to no-  
minate Clergy-  
men for the  
above Purposes,  
&c

King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Justice of the Peace, or the major Part of them, assembled at the Quarter Sessions held for any County, Riding, or Division, within that Part of *Great Britain* called *England*, and the Principality of *Wales*, and they are hereby authorised and empowered to settle and ascertain how many Clergymen shall by them be deemed necessary to be employed in performing religious Duties, according to the Rites of the Church of *England*, in the several Gaols within their respective Jurisdictions, and to settle and ascertain what Duty shall be performed, and what Salary shall be paid to every such Clergyman, not exceeding Fifty Pounds, yearly, and every Year.

II And be it further enacted, That the Treasurers of such Counties, Ridings, or Divisions, receiving a Certificate, signed by the Chairman of such Quarter Sessions, of the Number of such Clergymen, and the Salary to be respectively paid to them, shall pay out of the Rates of such County, Riding, or Division, the several Sums in the said Certificate mentioned; and the said several Sums so paid in pursuance of this Act, shall be allowed to the said Treasurers by the Justices before whom their Accounts shall be paid.

III And be it further enacted, That when the Number of such Clergymen, and the Salary to be respectively paid to them, shall have been settled and ascertained by such Justices, it shall and may be lawful to and for Justices of the Peace, at the Quarter Sessions, that they are hereby authorised and empowered, to nominate and appoint, in every County, Riding, or Division, where the Justices shall have so settled and ascertained the Number of Clergymen, and the Salary to be paid to them, as before mentioned, so many Clergymen to officiate and perform Divine Service, according to the Rites of the Church of *England*, in the several Gaols within such County, Riding, or Division, as shall have been so settled and ascertained by such Justices; and in case any such Clergyman or Clergymen shall die, or shall be thought unworthy, by such Justices, at the Quarter Sessions, to be continued in such Office, then it shall and may be lawful for such Justices, at the Quarter Sessions, to nominate and appoint, from Time to Time, as Occasion shall require, any other Clergyman to officiate in the room of such Clergyman so dying, or so deemed to be unworthy to continue any longer in such Office.

## No. 18.

14 George III. c. 20—An Act for the Relief of Prisoners charged with Felony, or other Crimes, who shall be acquitted or discharged by Proclamation, respecting the Payment of Fees to Gaolers, and giving a Recompence for such Fees, out of the County Rates.\*

**W**HEREAS Persons in Custody for Felonies, or other Crimes, or on Suspicion thereof, or as Accessaries thereto, though no Bills of Indictment are afterwards preferred or found against them, or they are acquitted on their Trials, are nevertheless frequently detained for certain Fees to the Sheriffs, Gaolers, or Keepers of Prisons, in whose Custody they happen to be, which is both oppressive and unjust: For Remedy whereof, may it please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Prisoner who now is, or hereafter shall be, charged with any Felony or other Crime, or as an Accessary thereto, before any Court holding criminal Jurisdiction, within that Part of Great Britain called England and Wales, against whom no Bill of Indictment shall be found by the Grand Jury, or who, on his or her Trial, shall be acquitted, or who shall be discharged by Proclamation, for want of Prosecution, shall be immediately set at large in open Court, without the Payment of any Fee or Sum of Money to the Sheriff, Gaoler, or Keeper of the Gaol or Prison, from whence he or she shall be so discharged, and he or she shall not be liable for or in respect of such Discharge.

No 15  
14 George III.  
c. 20

Prisoners charged with Crimes in England for want of Prosecution, to be set at large.

II. And be it further enacted by the Authority aforesaid, That all such Fees as have been usually paid, or payable to the several Sheriffs, Gaolers, and Keepers of Prisons in England and Wales, in any of the Cases aforesaid, shall absolutely cease, and the same are hereby abolished and determined; and from and after the passing of this Act, no Gaoler, or Keeper of any Gaol or Prison, shall ask, demand, take, or receive any Sum or Sums of Money from any of the said Prisoners, as Fees, for, upon, or in respect of his or her Discharge.

Fees abolished

III And be it further enacted by the Authority aforesaid, That in lieu of such Fees so abolished as aforesaid, the Treasurers, or other proper Officers of the several Counties, or of such Districts, Hundreds, Rdings, or Divisions of a County, as are not usually assessed to the County at large, and of such Cities, Towns Corporate, Cinque Ports, Liberties, Franchises, and Places, as do not pay to the Rates of the several Counties in which they are respectively situated, shall, on receiving a Certificate, signed by one or more Judge or

Treasurers of Counties, &c. as are not assessed at large, &c. shall pay to such Gaolers not exceeding 13s. 4d.

\* See Stat. 55 George III. c. 50. post No. 28.

- No. 20. ' other lewd and idle Persons, Houses of Correction are directed to be provided in every County, and furnished with all necessary Mills and other Implements to set the Rogues, Vagabonds, and sturdy Beggars, and other idle and disorderly Persons, at the Expence of every such County, by Order of the Justices of the Peace at their General Quarter Sessions, who are also to appoint a Governor or Master of every such House of Correction, with Power to set the said Persons on Work; And whereas by an Act made in the seventeenth Year of the Reign of his late Majesty King George the Second, "to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to the Houses of Correction," the Justices of the Peace are authorized, upon Presentment by the Grand Jury at the Assizes, that the House of Correction is not sufficient or convenient, by Order, at their General Quarter Sessions of the Peace, to enlarge, or buy, or hire a more convenient House, or to purchase Land for such Buildings, and for a convenient Outlet, and to erect such Houses, and to raise upon the County such Sums of Money as shall be necessary for those Purposes: And whereas, by many other Acts of Parliament, Persons are directed to be sent by Warrants from Justices of the Peace to the Houses of Correction, there to be kept to hard Labour for a limited Time: And whereas in many Counties the said Houses of Correction are insufficient in Number, or deficient in Building, and the Apartments in them are very ill accommodated to the Purposes for which they were intended; by Means whereof, and from a Want of due Order, Employment and Discipline in such Houses of Correction, the Persons sent thither for Correction and Reformation frequently grow more dissolute and abandoned during their Continuance in such Houses: For Remedy whereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Justices of the Peace in every County, Riding, Division, City, Liberty, and Precinct, within England and Wales, at their respective Quarter Sessions of the Peace, to be held next after Midsummer from the Time of passing this Act, shall and they are hereby required to nominate one or more Justice or Justices of the Peace, within their respective Jurisdictions, Divisions or Districts, whom they shall think most proper, to examine and inspect the several Houses of Correction within their respective Jurisdictions; and the Justice or Justices so to be nominated, is and are hereby required carefully and diligently to inspect the same, with all convenient Speed, and to report his or their Opinion to the Justices of their respective Jurisdictions, at the Michaelmas Quarter Sessions then next following, as to the State and Condition thereof, and the Increase of Number, or Additions or Alterations which they may judge necessary to make them more convenient and useful, having regard to the
- Justices, at their Quarter-Sessions, to nominate a Justice in each District to examine the Houses of Correction;

classing of the several Persons who shall be kept there, according to the Nature of their Crimes and Punishments, and to the providing proper Places for the Employment of such Persons who are committed to hard Labour, and to the keeping every Part of such Prisons clean and wholesome; and the said Justice or Justices, so to be nominated, is and are hereby required to employ proper and skilful Persons to make Plans and Estimates of new Buildings, or the Additions or Alterations which he or they shall think necessary in the present Buildings to make them answer the several Purposes of this Act; which Plans, together with the Report of the said Justice or Justices, shall be laid before the Court at the said *Michaelmas* Quarter Sessions; or if, from any Difficulties or Accidents, such Report shall not happen to be made at that Sessions, then, and in that Case, the same shall be made at or before the *Epiphany* Quarter Sessions then next following; which Court is hereby authorised and required to consider the same, and if they approve such Plans, they may adjourn the Quarter Sessions to a further Day for receiving Proposals from Persons inclined to undertake such Work, of which due Notice shall be published, and then to contract with such Persons whom they shall think most proper to do the same; or if they disapprove such Plans or Estimates, to direct such others to be made as they shall think, and adjourn their Quarter Sessions to some further Day, to receive such new Plans and Estimates, and also Proposals from Persons inclined to undertake the Work; and the Justices, in settling and adjusting such Plans, are hereby required to provide separate Apartments for all Persons committed upon Charges of Felony, or convicted of any Theft or Larceny, and committed to the House of Correction for Punishment by hard Labour, under or by virtue of the Laws in being, in order to prevent any Communication between them and the other Prisoners; and also proper Apartments, covered or open, as shall be found most convenient for employing the several Persons who are to be kept to hard Labour, and they are also to provide separate Apartments, in each Division of the said House of Correction, for the Women who shall be committed thither.

II. And be it enacted, That the Justices of the Peace, at their General Quarter Sessions shall, and they are hereby empowered, from Time to Time, upon any Report to them made as aforesaid, to make such Order thereupon as to them shall seem just, and the Nature of the Case may require.

III. And be it further enacted, That as soon as such Buildings shall be made, or altered and completed according to the Directions aforesaid, the Justices of the Peace, at their General Quarter Sessions, shall order them to be fitted up and furnished in such Manner as to them shall seem fit; and shall also provide such Mills, Looms, Utensils, and Implements, as they shall judge proper for employing the several Persons who shall be committed to such Houses of Correction for hard Labour: And the said Justices shall, at every General Quarter Sessions of the Peace, call upon the Keeper of such House of

No. 20.  
22 George III.  
c. 64.

who are to  
make a Report,  
&c. to the next  
Michaelmas  
Quarter Ses-  
sions.

Separate Apart-  
ments to be pro-  
vided for Per-  
sons committed  
for Felony, &c.

Justices to  
make Orders,  
&c.

Buildings to be  
furnished, and  
provided with  
Mills, &c.

No. 20. Correction to produce to them in Writing a List of the several Persons then in Custody, with a Description of the Offence or Offences, and the Time for which every such Person was committed, distinguishing particularly those who are directed by the Warrant of Commitment to be kept to hard Labour, and also distinguishing the Age and Sex of every such Person committed to hard Labour, and in what Trade, Manufacture, or Business, every such Person hath been employed, and what he or she hath been most accustomed to, and is best qualified for, and how each Person has behaved during his or her Confinement, according to the best of his Information and Observation; which List the Keeper of every such House of Correction is hereby directed to make out, and deliver to the Chairman of such Court of Quarter Sessions, as soon as such Court shall be assembled; and the Court shall, before the End of that Session, give such Directions for the future Employment of the said several Prisoners as to them shall seem meet; and the Justices shall, at their General Quarter Session of the Peace, from Time to Time, order and direct a sufficient Quantity of Materials for Manufactures to be provided for the Use and Employment of the several Persons who shall be committed to such Houses of Correction for hard Labour, of such Kinds as they in their Discretion shall think most proper; and shall employ some fit Person to be the Keeper of such House of Correction, and may appoint a temporary Assistant or Assistants to instruct such Prisoners in any Business or Branch of Manufacture which the Justices shall think most proper to be set on Foot and undertaken there.

Rules and Orders, &c.

IV. And be it further enacted, That the Rules, Orders, and Regulations, specified and contained in the Schedule hereunto annexed, for the better Rule and Government of the Persons to be committed to the said Houses of Correction, shall be duly observed and enforced at every such House of Correction, subject nevertheless to such Additions as shall from Time to Time be made by the Justices of the Peace for the County, Riding, Division, City, Town, or Place, wherein such House of Correction shall be situate; at their Quarter Sessions which shall be held next after *Midsummer* or *Michaelmas*, and which they are hereby authorized to make at their Discretion; provided that such Addition shall not be contradictory to the Rules, Orders, and Regulations established by this Act: And, for the Purpose of having them more generally known, and more strictly attended to, the Governors or Keepers of every such House of Correction shall, and they are hereby required to cause the same to be printed in plain legible Characters, and fixed up in some conspicuous Part of every such Prison.

Expences of maintaining the Prisoners in the Houses of Correction, &c.

V. And in order to defray the Expences of the several Matters and Things herein before directed to be done respecting Houses of Correction, and the Support and Maintenance of Prisoners confined there, and other Expences necessary to the Execution of this Act, not herein particularly provided for, be it further enacted, That the Justices of

the Peace, at their General Quarter Sessions, may and shall cause such Sums of Money, as shall be necessary for all or any of those Purposes, to be raised in the same Manner as Rates are directed to be raised by an Act, made in the twelfth Year of the Reign of his late Majesty King George the Second, intituled, "An Act for the more easy assessing, collecting, and levying of County Rates." No. 21.  
George III.  
c. 63.

VI. And be it further enacted, That, from and after the passing of this Act, the Want of Houses of Correction, or the Insufficiency thereof, may be presented at the Court of Quarter Sessions by a Justice of the Peace acting for such Division or District, on his own View or Knowledge thereof, as well as by the Grand Jury, pursuant to the Directions of the said Act of the seventeenth Year of the Reign of his late Majesty; which Presentation by the Justice shall be proceeded upon in the same Manner as if it had been made by the Grand Jury. Any Justice may  
present, &c.

VII. And be it further enacted, That it shall and may be lawful for the Governor or Keeper of every House of Correction, and he is hereby directed to employ all such Persons as shall be Prisoners therein, and kept and maintained at the Expence of the County, Division, or District, wherein such House of Correction is situate, in some Work or Labour which is not severe, although such Prisoner was not, by the Warrant of his Commitment, ordered to be kept to Labour; and every such Governor or Keeper shall enter a separate Account of the Work done by every Person under that Description, and shall account with and pay to him or her one Half of the nett Profits, which he or she shall have earned, at the Time of his or her Discharge, and not before. All Prisoners  
in such Houses  
to be employed  
by the Govern-  
nor, &c.

VIII. And be it further enacted, That no Person or Persons who shall be Governor or Keeper of any House of Correction, or who shall have any Office or Employment, as Assistant, or otherwise, under such Governor or Keeper of such House of Correction, shall sell, or be capable of being licensed to sell, or have any Benefit or Advantage whatsoever, directly or indirectly, from the Sale of any Wine, Ale, Beer, Spirituous or other Liquors, or any other Article, Matter, or Thing, used in such House of Correction, or by any Person or Persons confined therein, during the Time of such Employment; and every Person offending therein shall, on Complaint made upon Oath, and Conviction for the said Offence, before a Magistrate having Jurisdiction there, forfeit the Sum of ten Pounds for every such Offence, and shall be dismissed from his Employment as Governor or Keeper, or as Assistant in such House of Correction, by Order of the Justices at their next General Quarter Sessions of the Peace, on Proof being made upon Oath before them of the said Offence; and that no Wine, Ale, Spirituous or other Liquors, shall be brought into the House of Correction to be drank there, unless for a medical Purpose, by a written Direction, under the Hand of the Apothecary or Surgeon usually attending such House of Correction; and that the No Governor,  
or Officer under  
him, to sell  
Wine, &c.

No. 21. Directions given by the said last-mentioned Act for the Inspection and Controul by the Justices over the Master or Keeper of every such House of Correction, shall be strictly adhered to and enforced, and every such Governor and Keeper punished for his Neglect of Duty or Misbehaviour, according to the Directions of the said Act.

Justices to fix a Salary for the Governor.

IX. And be it further enacted, That the Justices of the Peace, in their respective Quarter Sessions, shall fix a reasonable Salary for the Governor or Keeper of the House of Correction, and may moreover allow him some Proportion of the Profits earned by the Prisoners.

No Woman to be Keeper of House of Correction.

X. And be it further enacted, That, from and after the passing of this Act, no Woman shall be capable of being appointed Keeper of any House of Correction.

Governors empowered to handcuff.

XI. And be it further enacted, That the Governor of every House of Correction shall have Power to put Handcuff, or Fetters upon any Prisoner who shall behave in a refractory Manner, or shew a Disposition to break out of Prison; but such Governor shall give Notice thereof to one of the visiting Justices, within forty-eight Hours after the Prisoner shall be so fettered; and he shall not continue such Fettering longer than six Days, without obtaining an Order in Writing from one of the visiting Justices.

Justices may appoint a Clergyman.

XII. And be it further enacted, that the Justices of the Peace, at their General Quarter Sessions, may, if they think fit, appoint a Minister of the Church of *England*, residing in or near the Place where every such House of Correction shall be situate, to perform Divine Service there every *Sunday*, and may appoint such Salary for his Trouble as they shall think fit, not exceeding twenty Pounds per Annum, to be paid by the Treasurer of the County, Riding, Division or Place, where such House shall be situate, out of the County Rates, or other publick Money to be collected therein; but such Salary to be diminished, at any future Quarter Sessions, if the Justices shall think fit.

Penalties.

XIII. And be it further enacted, That all Penalties inflicted by this Act shall, in Default of Payment, after due Summons and Demand made, be levied by Distress and Sale of the Offender's Goods and Chattels, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace having Jurisdiction where such Offender shall dwell, rendering to the said Offender the Overplus (if any), after the Charges of such Distress and Sale shall be deducted: and in case sufficient Distress shall not be found, then, and in every such Case, it shall and may be lawful to and for any such Justice of the Peace to commit such Offender to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Space not exceeding six Calendar Months, nor less than one Calendar Month; and that every such Penalty and Forfeiture shall be paid to the Treasurer of the County, Riding, Division, or District, where such House of Correction shall be situate, in Aid of the common Stock, out of which the

Expences attending the Execution of the several Purposes of this Act are to be paid as aforesaid. No. 21.  
22 George III.  
c. 64.

XIV. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and others, without the same being specially pleaded. Publick Act.

RULES, Orders, and Regulations, to be observed and enforced at every House of Correction provided and established, or to be provided and established, under the Authority of the Acts of the seventh Year of the Reign of his late Majesty King JAMES the First, the seventeenth of King GEORGE the Second, and the twenty-second of King GEORGE the Third.

I. THAT the several Persons who shall be committed to the House of Correction to be kept to hard Labour, shall be employed (unless prevented by ill Health) every Day, during their Confinement (except *Sundays, Christmas-day, and Good Friday*), for so many Hours as the Day-light in the different Seasons of the Year will admit, not exceeding twelve Hours, being allowed thereout to rest Half an Hour at Breakfast, an Hour at Dinner, and Half an Hour at Supper, and that the Intervals shall be noticed by the ringing of a Bell.

II. That the Governor of each House of Correction shall adapt the various Employments which shall be directed by the Justices at their Quarter Sessions, to each Person, in such Manner as shall be best suited to his or her Strength and Ability, Regard being had to Age and Sex.

III. That the Males and Females shall be employed, and shall also eat and be lodged, in separate Apartments, and shall have no Intercourse or Communication with each other.

IV. That every Person so committed shall be sustained with Bread, and any coarse but wholesome Food, and Water; but Persons under the Care of the Physician, Surgeon, or Apothecary, shall be sustained with such Food and Liquor as he shall direct.

V. That the Governor, and such other Persons (if any) as shall be employed by the Justices to assist the Governor, shall be very watchful, and attentive in seeing that the Persons so committed are constantly employed during the Hours of Work; and if any Person shall be found remiss or negligent in performing what is required to be done by such Person to the best of his or her Power and Ability, or shall wilfully waste, spoil, or damage the Goods committed to his or her Care, the Governor shall punish every such Person in the Manner hereafter directed.

VI. That if any Person so committed shall refuse to obey the Orders given by the Governor, or shall be guilty of profane cursing or swearing; or of any indecent Behaviour or Expression; or of any Assault, Quarrel, or abusive Words, to or



No. 21. with any other Person; he or she shall be punished for the  
 22 George III. same in the Manner hereafter directed.  
 c. 64.

VII. That the Governor shall have Power to punish the several Offenders for the Offences herein-before described, by closer Confinement; and shall enter in a Book, to be kept by him for the Inspection of the Justices at the Quarter Sessions, and the visiting Justice or Justices, the Name of every Person who shall be so punished by him, expressing the Offence, and the Duration of the Punishment inflicted.

### No. 22.

24 George III. Sess. 2. c. 54.—An Act to explain and amend an Act, made in the eleventh and twelfth Years of the Reign of King *William* the Third, intituled, “An Act to enable Justices of Peace to build and repair Gaols in their respective Counties;” and for other Purposes therein mentioned.

No. 22.  
 24 George III.  
 c. 54.

11 & 12 Gul. 3.  
 c. 19.

WHEREAS by an Act made in the eleventh and twelfth Years of the Reign of his late Majesty King *William* the Third, intituled, “An Act to enable Justices of Peace to build and repair Gaols in their respective Counties,” it is enacted, That it shall and may be lawful for the Justices of the Peace, or the greater Number of them, within the Limits of their Commissions, upon Presentment made by the Grand Jury or Grand Juries, at the Assizes, Great Sessions, and General Gaol Delivery, of the Insufficiency or Inconvenience of their Gaol or Prison, to conclude and agree upon such Sum or Sums of Money as, upon Examination of able and sufficient Workmen, shall be thought necessary for the building, finishing, or repairing a Publick Gaol or Gaols belonging to the County whereof they are Justices of the Peace, and to charge such Sum or Sums of Money upon the several Hundreds, or other Divisions of the County: And whereas it has been found difficult to carry the said Act into Execution; whereby the Gaols in many Counties, Ridings, Divisions, Cities, Towns, Liberties, or Precincts, have continued in a very ruinous State for a considerable Time, and have become prejudicial to the Health of the Prisoners, and insufficient for the safe Custody of them: For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the first Day of *September* one thousand seven hundred and eighty-four, it shall and may be lawful for the Justices of the Peace in and for every County, Riding, Division, City, Town, Liberty, or Precinct, within *England* and *Wales*, at their respective General Quarter Sessions of the Peace, or the major Part of the said Justices then and there assembled, such major Part not

Justices in Sessions, upon Presentment by the Grand Jury, may order County Gaols to be rebuilt or enlarged.

being in Number less than seven, upon Presentment made by the Grand Jury or Grand Juries, at the Assizes, Great Sessions, or General Gaol Delivery, held for every such County, Riding, Division, City, Town, Liberty, or Precinct, of the Insufficiency, Inconveniency, or want of Repair, of any Gaol belonging to such County, Riding, Division, City, Town, Liberty, or Precinct, to contract and agree with any Person or Persons for the building, rebuilding, finishing, repairing, or enlarging such Gaol, and the Yards, Courts, and Outlets thereof, and adding such other Buildings, and making such Conveniencies as shall be adjudged requisite by the said Justices, at a certain Sum, Payment, or Allowance for the same; or for erecting any new Gaol, upon any Scite or Ground within any Distance not exceeding two Miles from the Scite of the old Gaol, and in that Case for selling the old Gaol, and the Scite thereof, and Land thereto belonging, or any Part thereof respectively, and also the Materials of the old Gaol, for the best Price that can be procured for the same; such Contractor or Contractors giving sufficient Security for the due Performance of their Contracts or Agreements, to the respective Clerks of the Peace for such County, Riding, Division, City, Town, Liberty, or Precinct aforesaid.

II. And be it further enacted by the Authority aforesaid, That the said Justices of the Peace, after such Presentment made as aforesaid, shall, at the next General Quarter Sessions to be holden for such County, Riding, Division, City, Town, Liberty, or Precinct, give Notice, three Times at least, in some public Paper or Papers circulating in or near such County, Riding, Division, City, Town, Liberty, or Precinct, of such Presentment having been made, and of their Intention to take the same into Consideration at the next ensuing, or some following General Quarter Sessions; and after such Consideration shall have been had, the said Justices shall give Notice in such public Paper or Papers as aforesaid, of their Intention of contracting with any Person or Persons for building, rebuilding, finishing, repairing, or enlarging such Gaol, as aforesaid, and of every other Matter or Thing intended to be done in consequence of such Presentment; and such Contract or Contracts shall be made and entered into at the most reasonable Rates, and with the most responsible Persons; and every such Contractor shall give sufficient Security for the due Performance of his Contract, to the Clerk of the Peace for such County, Riding, Division, City, Town, Liberty, or Precinct; and all Contracts when made, and all Orders relating thereto, shall be entered in a Book to be kept by the Clerk of the Peace, who is hereby required to keep the same, among the Records of such County, Riding, Division, City, Town, Liberty, or Precinct, to be inspected at all reasonable Times by any of the said Justices, or by any other Person or Persons contributing to the Rates of such County, Riding, Division, City, Town, Liberty, or Precinct, without Fee or Reward.

No: 22.  
24 George III.  
c. 54

Justices to give publick Notice previous to their taking Presentments into Consideration, &c.

Contracts to be entered in a Book.

No. 22. III. Provided always, and be it further enacted, That it  
 24 George III. shall and may be lawful for the said Justices of the Peace  
 c. 54. to build any new Gaol, in any Part of the County, Riding,  
 Division, City, Town, Liberty, or Precinct, in case (in  
 the Presentment made of the Inconvenience of such old Gaol)  
 it be expressly presented, that the Place wherein the old Gaol  
 is situate is improper, and that the said Gaol ought to be  
 removed to some other Part of the County, Riding, Division,  
 City, Town, Liberty, or Precinct; and in case three fourths  
 in Number of the Justices assembled at two successive Quarter  
 Sessions (Notice having been given three Times at least,  
 in some publick Newspaper circulating as aforesaid, of the  
 Time of the holding, and of the Place to which such Gaol is  
 intended to be removed) shall approve of such Removal, but  
 not otherwise.

New Gaols to  
 be divided into  
 several distinct  
 apartments.

IV And be it further enacted, That the said Justices  
 of the Peace, as well in the Choice of the Ground, as in  
 determining upon the Plans for building, rebuilding, enlarg-  
 ing, or altering such Gaols as aforesaid, and the Yards, Courts,  
 and Outlets thereof, shall, as far as conveniently may be,  
 pursue such Measures, and adopt such Plans, as shall provide  
 separate and distinct Places of Confinement, and dry and  
 airy Cells, in which the several Prisoners of the following  
 Descriptions respectively may be confined, as well by Day as  
 by Night; namely, Prisoners convicted of Felony; Prisoners  
 committed on Charge or Suspicion of Felony; Prisoners com-  
 mitted for, or adjudged to be guilty of, Misdemeanors only;  
 and Debtors; the Males of each Class to be separated from  
 the Females; and a separate Place of Confinement to be  
 provided for such Prisoners as are intended to be examined as  
 Witnesses on Behalf of any Prosecution of any Indictment  
 for Felony; and also separate Infirmaries, or Sick Wards,  
 for the Men and the Women; and also a Chapel, and conven-  
 nient warm and cold Baths, or Bathing Tubs, for the Use  
 of the Prisoners, in such Manner as is directed by an Act  
 made in the fourteenth Year of the Reign of his present  
 Majesty, intituled, "An Act for preserving the Health of  
 Prisoners in Gaol, and preventing the Gaol Distemper;" and  
 Care to be taken that the Prisoners shall not be kept in any  
 Apartments under Ground.

14 Geo. 3.  
 c. 59.

V. And whereas the Gaols within and belonging to  
 several Counties, Ridings, Divisions, Cities, Towns, Liber-  
 ties, and Precincts, and the Yards, Courts, and Outlets  
 thereof, are very small, close, and confined, and such  
 Gaols are thereby rendered very unhealthy, from the Impos-  
 sibility of accommodating the unhappy Persons confined  
 therein with a sufficient Supply of fresh Air, Water, and  
 other necessary Conveniences; be it enacted by the Autho-  
 rity aforesaid, That the said Justices (after Presentment made  
 as aforesaid) shall have full Power and Authority to purchase  
 any Houses, Buildings, Lands, Tenements, Hereditaments,  
 Ways, Waters, and Watercourses, for the Purpose of build-

Justices may  
 purchase Lands,  
 Houses, &c.

ing, enlarging, and accommodating such Gaols; and to direct the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, which shall have been so purchased as aforesaid, to be conveyed to such Person or Persons as the said Justices shall think fit, in Trust and for the Uses and Purposes aforesaid; and such Houses, Buildings, Lands, Tenements, and Hereditaments, when inclosed and added thereto, shall be deemed and taken to be a Part of such Gaols, and to be Part of such County, Riding, Division, City, Town, Liberty, or Precinct, where such Gaol is situated, to all Intents and Purposes whatsoever.

No. 22

24 George III.

c. 14.

VI And be it further enacted by the Authority aforesaid, That whenever the said Justices of the Peace, in their said General Quarter Sessions assembled, shall deem it necessary that the Felons, Debtors, and other Prisoners, shall be removed, either for the Purpose of repairing their old Gaol, or using the Materials thereof in building a new Gaol, on giving sufficient Notice to the Sheriff of such County, Riding, Division, City, Town, Liberty, or Precinct, it shall and may be lawful for the said Sheriff to remove such Felons, Debtors, and other Prisoners, to the House or Houses of Correction belonging to such County, Riding, Division, City, Town, Liberty, or Precinct, or such other Place or Places of Confinement as the said Justices, so assembled as aforesaid, with the Consent of the said Sheriff, shall approve of, and to confine them there during the Time such new Gaol shall be building, or old Gaol repairing or enlarging; and that when such Gaol shall be made fit for the Reception and safe keeping of such Felons, Debtors, and other Prisoners, then, it shall be lawful for the said Sheriff to remove thither all such Felons, Debtors, and other Prisoners as shall then be in his Custody; and the Expence of such Removal or Removals to and from such Place or Places of Confinement, and the Expence which may be incurred by the said Sheriff on account of the safe Custody of such Prisoners in such House of Correction, or other Place or Places, shall be allowed and paid by such County, Riding, Division, City, Town, Liberty, or Precinct; and such Removal or Removals as aforesaid shall not be deemed or taken to be an Escape: Provided, that nothing herein contained shall extend, or be construed to extend, to discharge the Sheriff or Gaoler from being answerable for the actual Escape of any Prisoner in his Custody.

Prisoners may be removed for the building a new Gaol, or repairing the old one.

Such Removal not to be deemed an Escape.

VII. And be it further enacted by the Authority aforesaid, That the Justices of the Peace, in their respective General Quarter Sessions assembled, are hereby authorised to nominate and appoint one or more Justice or Justices of the Peace of and for their respective Counties, Ridings, Divisions, Cities, Towns, Liberties, or Precincts, to visit and superintend the Gaols thereunto belonging, and from Time to Time to make a Report of the State thereof to the Court of the said General Quarter Sessions; which Court is hereby authorised, upon such Report, to order and direct any Sum or Sums of Money,

Quarter-Sessions may appoint a Justice to inspect the County Gaols, &c.

No. 22. not exceeding the Sum of two hundred Pounds in any one Year,  
 24 George III. to be laid out upon the Repair or Repairs of such Gaols,  
 c. 54. as they shall deem requisite (notwithstanding such Want  
 of Repair shall not have been presented by the Grand Jury or  
 Grand Juries, at the Assizes, Great Sessions, or General  
 Gaol Delivery, for such County, Riding, Division, City,  
 Town, Liberty, or Precinct, as aforesaid); and if it shall at  
 any Time happen that the said Gaols, or any of them, by any  
 Breach being made in the same, from Attempts of Prisoners to  
 escape, or other Casualties or Accidents, shall be rendered  
 unsafe for the Custody of the Prisoners therein confined,  
 between the several Times of holding the General Quarter  
 Sessions, it shall and may be lawful for any one or more  
 Justice or Justices for such County, Riding, Division, City,  
 Town, Liberty, or Precinct, to order the Damages occasioned  
 thereby to be immediately so far repaired as may be necessary  
 and sufficient for the safe Custody of such Prisoners; and such  
 Justice or Justices shall report the same to the next Court  
 of General Quarter Sessions to be holden for such County,  
 Riding, Division, City, Town, Liberty, or Precinct, which  
 Court is hereby authorised to order the Payment of such Sum  
 or Sums of Money as shall have been necessarily expended in  
 such Reparation or Reparations as aforesaid.

Accidental  
 Damages may  
 be repaired by  
 Order of a Jus-  
 tice.

Expences of  
 rebuilding or re-  
 pairing County  
 Gaols how to be  
 defrayed.

12 Geo. 2. c.

29.

13 Geo. 2. c.

18.

'VIII. And, in order to defray the Expences of building,  
 'rebuilding, finishing, repairing, or enlarging such Gaols,  
 'and the Yards, Courts, and Outlets thereto belonging as  
 'aforesaid, and of purchasing Houses, Buildings, Lands, Te-  
 'nements, Hereditaments, Easements, or Privileges, and other  
 'the Expences necessary for the Execution of this Act;' be it  
 further enacted by the Authority aforesaid, That in all such  
 Cases where such Gaols are repaired at the Expence of the  
 County, Riding, Division, City, Town, Liberty, or Pre-  
 cinct, to which the same belong, the Justices of the Peace, at  
 their General Quarter Sessions, may and shall cause such  
 Sums of Money, as shall be necessary for all or any of the  
 Purposes aforesaid, to be raised in the same Manner as Rates  
 are directed to be raised by two Acts made in the twelfth and  
 thirteenth Years of the Reign of his late Majesty King George  
 the Second, "for the more easy assessing, collecting, and  
 levying of County Rates."

When the  
 Amount of any  
 Estimate for  
 building, enlarg-  
 ing, &c. shall  
 be very high, the  
 Justices in Ses-

'IX. And whereas the Expences of building, rebuilding,  
 'enlarging, or removing and fitting up Gaols, may in some  
 'Cases become very burthensome on the Occupiers of Land,  
 'and other the Contributors to the County Rates, in case the  
 'said Expences should be raised in the Manner herein before  
 'mentioned;' be it therefore enacted, That when it shall  
 appear that the Amount of any Estimate approved by the  
 Justices for the building, rebuilding, enlarging, or removing  
 and fitting up any Gaol or Gaols, under the Powers of this  
 Act, shall exceed one Half of the Amount of the ordinary  
 annual Assessment for the County Rate for any County,  
 Riding, Division, City, Town, Liberty, or Precinct (such

ordinary Assessment to be taken on a mean Proportion of the said Rate for the last five Years preceding), that then, and in such Case, it shall and may be lawful for the Justices of the Peace, within the respective Limits of their Commissions, so assembled in their Quarter Sessions as aforesaid, from Time to Time to borrow and take up, on Mortgage of the Rates herein mentioned, by Instruments in the Form contained in the Schedule, hereunto annexed, or to that or the like Effect, any Sums not less than fifty Pounds, nor exceeding one hundred Pounds each, at legal or lower Interest, as to them, or the major Part of them (such major Part not being less than five), shall appear necessary and expedient for the Purposes aforesaid; and to secure all and every such Sum and Sums of Money so borrowed upon the Credit of the Rates to be raised upon such County, Riding, Division, City, Town, Liberty, and Precinct respectively; and the said Justices so assembled as aforesaid, are hereby authorised to treat and agree with any Person or Persons for the Loan of any such Sum or Sums of Money, and by their Order to confirm and establish every such Agreement as aforesaid; and every such Agreement so established by such Order, and signed by the Chairman, and two or more Justices present at the Time of making such Order, shall be, and the same is hereby declared to be effectual for securing to the Person or Persons so advancing any Sum or Sums of Money, his, her, or their Executors, Administrators, and Assigns, all and every such Sum or Sums of Money, with Interest for the same, on such Terms as in and by such Agreement or Agreements respectively shall be for that Purpose stipulated; and Copies or Extracts of all such Agreements or Securities shall be kept with the Clerk of the Peace, or other proper Officer having the Custody of the Records of the Quarter Sessions of such County, Riding, Division, City, Town, Liberty, or Precinct respectively; and all and every Person and Persons to whom any such Security or Securities shall be made, or who shall be entitled to the Money thereby secured, is and are hereby impowered (by indorsing his, her, or their Name or Names on the Back of such Security or Securities) to transfer and assign the same, and his, her, or their Right to the principal Money and Interest thereby secured, unto any Person or Persons; and every such Assignee may in like Manner transfer the same again, and so *et cetera* quoad; and the Person or Persons to whom such Security or Securities, or any such Assignment thereof, shall be made, and his or their respective Executors, Administrators, and Assigns, shall be Creditors upon the said Rates in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced.

X. And be it further enacted, That the said Justices are hereby authorised and required, not only to charge the Rates to be raised upon such County, Riding, Division, City, Town, Liberty, or Precinct, with the Interest of the Money so borrowed on such Securities, but also with the Payment of a

No. 22.

24 George III.  
c. 51.

sion may Mortgage the Rates, &amp;c.

Agreements by Order of the Justices signed by the Chairman, &amp;c., to be an effectual Security.

Securities may be transferred

To what Extent the Justices may charge the County Rates.

No. 22. further Sum, equal at least to the Sum so charged for the  
 24 George III. Interest of such Securities; which said Sums shall be assessed  
 c. 54. on such County, Riding, Division, City, Town, Liberty, or  
 Precinct, in such Manner as County Rates are directed to be  
 assessed by the Laws now in being, and paid and applied,  
 under the Direction of the said Justices in Discharge of the  
 Interest, and of so many of the principal Sums on the said  
 Securities as such Money will extend to discharge in each  
 Year, until the Whole of the Money for which such Securities  
 shall be made, and the Interest thereof, shall be fully paid and  
 discharged; and the said Justices are required to fix one or  
 more Day or Days in each Year, on which such Payment shall  
 be made, and shall make Orders for Assessments in due  
 Time, so as to provide for the regular Payment thereof; and  
 they are hereby required to appoint a proper Person to keep an  
 exact and regular Account of all the Receipts and Payments  
 under the Authority of this Act, in a Book or Books, separate  
 and apart from all other Accounts, and the same to adjust and  
 settle in such Manner, that it may easily be seen what Interest  
 is growing due, and what principal Money has been dis-  
 charged, and what remains due; and the said Book or Books  
 so adjusted and settled, to deliver into Court at every General  
 or Quarter Sessions to be held for any such County, Riding,  
 Division, City, Town, Liberty, or Precinct; and the said  
 Justices are required, at every such Sessions, carefully to  
 inspect all such Accounts, and make Orders for carrying the  
 several Purposes of this Act into Execution, in such Manner  
 as to them shall seem meet; and if at any Time it shall appear  
 to the said Justices, that the Person so appointed has neglected  
 the said Order, and has not duly, and without Delay, applied  
 the Money in his Hands to the Purpose hereby directed, such  
 Person shall forfeit double the amount of the Money which shall  
 not have been applied to the Purposes of this Act; and the  
 said Justices, so assembled in Session as aforesaid, shall direct  
 in what Order such Securities shall be discharged, by drawing  
 Lots, or otherwise, as they shall think fit, first discharging all  
 such Securities which shall bear the highest Interest.

Money bor-  
 rowed under  
 this Act to be  
 paid within a  
 limited Time.

XI. Provided always, and be it further enacted, That the  
 Justices of the Peace, in their respective Quarter Sessions, shall,  
 and are hereby required to make Provisions by means of the  
 Rates (which they are hereby authorised to make), and by their  
 Orders and Directions (which they are hereby authorised  
 to give), in such Manner, that the whole Money to be bor-  
 rowed under the Authority of this Act shall be fully paid and  
 discharged within a Time to be limited, not exceeding four-  
 teen Years from the Time of borrowing the same.

Bodies Poli-  
 tick, &c. may  
 sell and convey  
 Lands, &c.

XII. And be it further enacted, That it shall and may be  
 lawful for the King's most Excellent Majesty, his Heirs and  
 Successors, and for all Bodies Politick and Corporate, and  
 also for all Guardians, Committees, Trustees, and  
 Attornies, of any Person or Persons being Infants, Lunaticks,  
 Idiots, under Coverture, or any other Disability, and also for

all other Persons who are or shall be seised, possessed of, or interested in, any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, which shall be deemed necessary for the Purposes of this Act, to contract or agree for, and to sell, convey, and assure such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, unto such Person or Persons as shall be named by the Justices, in Trust, and for the Purpose of erecting new Gaols, or enlarging the old Gaols, and the Yards, Courts, and Outlets thereunto belonging; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law, to all intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary notwithstanding.

No. 22.  
24 George III.  
c. 54.

XIII. And be it further enacted, That all Sums of Money which shall be agreed to be paid to any Corporation, Guardian, Committee, Husband, Trustee, or Attorney, for or on Behalf of any Infants, Idiots, Lunatics, Females Covert, or Cestuique Trust, or to any other Person or Persons whose Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, shall be limited in strict Settlement, for the Purchase of any such Lands, Tenements, and Hereditaments, shall, in case such Sums of Money shall exceed the Sum of one hundred Pounds, be laid out by such Corporations, Guardians, Committees, Husbands, Trustees, or Attornies, or any Person or Persons seised of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, so limited in strict Settlement, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments, in Fee Simple, to be conveyed in or to the Use of such Corporations, Guardians, Committees, Husbands, Trustees, or Attornies, and to and for such Person or Persons, and for such Estate and Estates, and to, for, and upon, and subject to such Uses, Limitations, Remainders, and Contingencies, as the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, for and in respect whereof such Purchase Money shall be paid as aforesaid, shall be limited, settled and granted, at the Time such Purchase or Contract shall be made in Manner aforesaid, or such as shall then be capable of taking Effect; the Charges of such Conveyances and Settlements to be paid in the same Manner as the other Expences relating to the Gaols; and in the mean Time, and till such Purchase or Purchases shall be made, such Money, whether the same shall or shall not exceed the Sum of one hundred Pounds, shall be laid out by such Corporations, or other Persons for the Time being interested therein, in some Government Securities, in the Names of two Persons, one to be nominated by the Party or Parties for the Time being interested therein, and the other by the Justices aforesaid; and the Interest arising from such Securities shall be paid to such Person or Persons respectively as would have been entitled to the Rents and Profits of such Lands, Tenements,

Purchase-money exceeding too to be laid out in Purchase of Lands, &c. subject to the same Uses, &c.

And until such Purchases are made, the Money to be laid out in Government Securities.



No. 22. Hereditaments, Easements, and Privileges, in case the same  
 24 George III. had not been sold, or would for the Time being be entitled to  
 c. 54. the Rents and Profits of such Lands, Tenements, and Hereditaments, so to be purchased, in case the same were purchased and settled as aforesaid.

XIV. And be it further enacted, That if any such Corporations, Guardians, Committees, Husbands, Trustees, and Attornies, or any Person or Persons for the Time being interested in any such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, which shall be deemed necessary for the Purposes of building or enlarging any such Gaol, and other the Purposes of this Act, upon Notice in Writing to him, her, or ~~them~~ given, or left at the House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Corporation, shall, for the Space of twenty-one Days after such Notice so given or left as aforesaid, neglect or refuse to treat, or shall refuse to accept such Price as shall be offered by the Justices or their Agent, or shall otherwise not agree for the Sale of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, or if, by reason of Absence or Incapacity, they shall be prevented from treating for such Sale, then, and in every such Case, the Justices of the Peace, at their General or Quarter Sessions, or any two or more of them appointed for that Purpose, shall cause the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, to be enquired into and ascertained by a Jury of indifferent Men of the County, Riding, Division, City, Town, Liberty, or Precinct, wherein the same shall be situated; and to that End shall summon and call before such Jury, and examine upon Oath (which Oath any one or more of such Justices of the Peace is and are hereby empowered to administer) any Person or Persons whomsoever; and such Justices of the Peace, or any two of them, shall, by ordering a View, or otherwise, use all Ways and Means for the Information of themselves and of such Jury in the Premises; and when such Jury shall have enquired of and ascertained the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges the said Justices of the Peace shall thereupon order that the Sum or Sums which shall so appear to be the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, shall be paid in such Manner as is herein before directed touching the Money to be paid for such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, for Sale whereof the Person or Persons interested shall contract and agree in Manner aforesaid; which Verdict or Inquisition, and Order, shall be filed of Record by the Clerk of the Peace, or other Officer having the Custody of the Records of the said County, Riding, Division, City, Town, Liberty, or Precinct, and shall be final and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons whomsoever, claiming, or to claim, in Possession,

If the Parties  
 refuse to treat,  
 &c.

the Value to be  
 ascertained by a  
 Jury.

Verdict of Jury,  
 &c. to be  
 final.

Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent or present, Infants, Lunatics, Idiots, and Persons under Converture, or any other Disability whatsoever, Corporations, Guardians, Committees, Husbands, Trustees, and Attornies, or any other Person or Persons whomsoever.

No. 22.  
24 George III.  
c. 54.

XV. And for the summoning and returning such Juries, be it further enacted, That such Justices of the Peace, or any two of them, may issue their Warrant or Warrants to the Sheriff or Bailiff of any particular County, Riding, Division, City, Town, Liberty, or Precinct, within the Limits of which the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, shall be situated, requiring him to impannell, summon, and return an indifferent Jury of twenty-four Persons, qualified to serve on Juries, to appear before the said Justices, or any two of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or Bailiff is and are hereby required to impannell, summon, and return such Number of Persons accordingly, and, out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the Justices of the Peace, or any two of them, shall, and they are hereby impowered and required to draw by Ballot, and to swear, or cause to be sworn, twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff or Bailiff shall take such other honest and indifferent Men of the By-standers, or that can speedily be procured to attend that Service, to make up the Number desired; and all Persons concerned shall have their lawful Challenge against any of the said Jurymen when they come to be sworn: And the said Justices of the Peace, or any two of them, shall have Power from Time to Time to impose a Fine or Fines on such Sheriff or Bailiff, or his Deputy or Deputies, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or, appearing, shall refuse to be sworn on the said Jury, or, being sworn, shall refuse to give, or shall not give a Verdict, or shall in any other Manner wilfully neglect his or their Duty therein; and also on any Person who, being summoned and required to give Evidence before the said Jury, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn, or to give Evidence, so that no such Fine be more than Ten Pounds, nor less than twenty Shillings, on any one Person for one Offence.

How the Jury shall be summoned.

Jurymen may be challenged.

Justices may fine the Sheriff, Bailiff, &c. making Default.

XVI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict for more Money, as the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, so to be purchased, than what shall have been offered for the Purchase thereof by the said Justice of the Peace, or their Agent, to any Person capable of contracting for the same, the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be

Expences of Jury, &c. how to be defrayed.

No 22. borne and paid out of the same Fund as the Expences of the  
 24 George III. Buildings to be erected thereon; but if such Jury shall give in  
 c. 54. and deliver a Verdict for no more, or for less Money, than the  
 Money which shall have been so offered by such Justices of the  
 Peace, or their Agent, then the Costs and Expences of sum-  
 moning and maintaining the said Jury and Witnesses shall be  
 borne and paid by the Person or Persons with whom such Con-  
 troversy or Dispute, touching the Value of such Houses, Build-  
 ings, Lands, Tenements, Hereditaments, Easements, or Pri-  
 vileges, shall arise.

On Payment  
 of Purchase-  
 money for  
 Lands, &c. Jus-  
 tices may take  
 Possession  
 thereof.

XVII. And be it further enacted, That, upon Payment  
 of the Money so ordered to be paid for the Purchase of such  
 Houses, Buildings, Lands, Tenements, Hereditaments, Ease-  
 ments, or Privileges, or (upon Refusal or Inability to receive  
 the same) leaving the same in the Hands of such Person as the  
 Justices in their Quarter Sessions shall appoint, for the Use of  
 the Party or Parties intitled thereto, or in case of the said  
 Party or Parties not being to be found, then, upon Notice  
 to be published in some Paper or Papers circulating in or near  
 the said County, Riding, Division, City, Town, Liberty, or  
 Precinct, where such Gaol is to be built or enlarged, of the  
 Payment or Investment of such Purchase-money, the said Lands,  
 Tenements, Hereditaments, Easements, and Privileges, so  
 purchased, shall vest in the Person or Persons who shall be  
 authorised to take and hold the same by virtue of this Act, for  
 the Purposes aforesaid; and it shall be lawful for the said Jus-  
 tices, or any two of them, their Workmen or Agents, to enter  
 upon and take Possession of and make use of such Houses,  
 Buildings, Lands, Tenements, Hereditaments, Easements,  
 and Privileges, and every Part thereof; and thereupon all  
 such Persons and Persons claiming the Owners or Occupiers  
 thereof, shall be removed of all Right and Title in and to the  
 same, and every Part thereof.

Clause relative  
 to those Coun-  
 ties which are  
 divided into se-  
 veral Ridings  
 &c.

XVIII. And whereas, in several Counties in England,  
 there are several and distinct Commissions of Justices of  
 the Peace for the several Ridings or Divisions into which  
 such Counties are divided, and several and distinct Courts of  
 Sessions of the Peace are holden for each of such Ridings or  
 Divisions respectively, and in such Counties there are not  
 any Courts of General or Quarter Sessions holden for the  
 whole County at large, be it therefore enacted, That in all  
 such Counties as aforesaid shall, and may be lawful for  
 the Justices of the Peace in and for such several Ridings or  
 Divisions respectively, and they are hereby required, at the  
 General Quarter Sessions which shall be holden next after such  
 Presentment of the Gaol shall have been made as aforesaid, to  
 nominate and appoint three or more Justices of the Peace  
 in and for such Riding or Division for which such General  
 Quarter Sessions shall be holden, which said Justices of the  
 Peace, so nominated and appointed by each of such Ridings  
 or Divisions, are hereby authorised and required, within one  
 Calendar Month after such Nomination and Appointment  
 as aforesaid (due Notice thereof having been previously given

to such Justices, by the Clerk of the Peace of such Divisions respectively) to meet and assemble at such Gaol which shall have been so presented as aforesaid; and the said Justices of the Peace, or the major Part of them, then there assembled (such major Part not being less than five in Number), shall hold a Special Sessions at the said Gaol, for the Purpose of receiving Plans, and contracting for the building, rebuilding, repairing, enlarging, or altering, such Gaol, and the Yards, Courts, and Outlets thereto belonging, under the like Restrictions, and subject to the like Regulations, as are herein before by this Act made and provided for such Counties as are not divided into such Ridings or Divisions, in Manner as aforesaid; and the said last mentioned Justices of the Peace shall make their Report to the General Quarter Sessions of the Peace of such Ridings or Divisions respectively, of the several Plans, Estimates, and Contracts, which shall have been made and entered into in Manner aforesaid, and also a Report of the Sum or Sums of Money necessary to be raised and levied on each Riding or Division, as their Quoto or Proportion of the Expence to be incurred on the several Accounts aforesaid; which said Sum or Sums of Money shall be raised and levied on each Riding or Division, in like Manner as County Rates are now raised and levied.

XIX. Provided always, and be it further enacted, That no Justice of the Peace who shall, under the Authority of this Act, do any Matter or Thing in the Execution hereof, shall be capable of having any beneficial Interest or Concern whatsoever, either in his own Name, or in the Name of any other Person, in Trust for him, in any Contract or Agreement to be made under the Authority of this Act, or shall, for any Design or Plan he may devise, or shall, or shall have any Benefit or Advancement whatsoever.

XX And whereas the preventing Gaolers from selling any Liquors, or deriving any Profit from the Sale of Liquors, may be a great Means of preventing Drunkenness, Riots, and other Disorders in Gaols, and of preserving good Order therein; and it may be proper to give sufficient Power and Authority to the Justices of the Peace in their Sessions, in certain Cases, to allow Salaries to Gaolers in lieu of the Profits which are now derived from the Sale of Liquors; be it therefore enacted, That, from and after the said first Day of September one thousand seven hundred and eighty-four, it shall and may be lawful for the Justices of the Peace of any County, Riding, Division, City, Town, Liberty, or Precinct, within that Part of Great Britain, called England, or the Principality of Wales, at the General Quarter Sessions of the Peace, or some special Adjournment of the same, held for such express Purpose, and they are hereby authorised and empowered, if it shall appear to them necessary or proper, to appoint such Salaries or Allowances to such Gaolers and their Assistants, in the several Gaols within their respective Jurisdictions, and to vary the same from Time to Time, as to them shall seem meet; and to order and direct the said Salaries and

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No Justice acting under this Act, to be interested in any Contract, &c.

Justices may appoint Salaries to Gaolers in lieu of Profits arising from the Sale of Liquors.

County Treasurer to pay the Salaries.

- No. 22. Allowances to be paid out of the County Rate, by the Treasurer of such County, Riding, Division, City, Town, Liberty, or Precinct, upon a Certificate, signed by the Chairman of such Quarter Sessions, specifying the Salaries and Allowances so directed to be made.

Chairman of the Sessions not to sign a Certificate for any such Payment, unless the Salaries have been settled at a General Quarter-Sessions, &c.

XXI. Provided always, and be it enacted, That it shall not be lawful for any Chairman of any Quarter Sessions, or Adjournment thereof, to sign such Certificate for such Salaries or Allowances to be granted under this Act, unless such Salaries or Allowances shall have been settled at some General Quarter Sessions of the Peace, or some special Adjournment thereof, and Notice shall have been given fourteen Days at least before the holding such General Quarter-Sessions, or such Adjournment thereof, by two several Advertisements inserted in some Newspaper printed and circulated in the County, Riding, Division, City, Town, Liberty, or Precinct, in which such Gaols are situated, and where such Salaries or Allowances are to be granted to the Gaolers, of an intended Application for the granting such Salaries or Allowances; which said Advertisements shall be signed by the Clerk of the Peace of such County, Riding, Division, City, Town, Liberty, or Precinct, or his Deputy for the Time being.

No Gaoler to suffer Tippling or Gaming, or to sell Liquors, in any such Prison,

XXII. And be it further enacted, That, from and after the twenty-fourth Day of June one thousand seven hundred and eighty-five, no Gaoler, or any Person or Persons in Trust for or employed by such Gaoler, shall suffer Tippling or Gaming in such Prison; or shall sell or dispose of, or permit or suffer to be sold or disposed of, or be capable of being licensed to sell or dispose of, any Wine, Beer, Ale, or other Liquors; or have any beneficial Interest or Concern whatsoever in the Sale or Disposal of any Liquors of any Kind; or in any Tap-house, Tap-room, or Tap, under the Penalty of ten Pounds for every such Offence, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any two Justices of the Peace acting for the County, Riding, Division, City, Town, Liberty, or Precinct, within which such Gaol is situated (which Warrant such Justices are hereby required to grant), upon the Confession of the Party or Parties, or upon the Information of any Witness or Witnesses, upon Oath (which Oath such Justices are hereby empowered to administer); and the said Penalty, after the Charges of recovering the same shall be deducted, shall be paid one Moiety to the Informer, and the other Moiety to the Use of the Prisoners confined within such Gaol; and in case sufficient Distress cannot be found, then it shall be lawful for such Justices to commit such Offender or Offenders to the House of Correction for the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, for any Time not exceeding three Calendar Months, unless such Penalty, and all reasonable Charges, shall be sooner paid and satisfied.

on Penalty of 10l, to be recovered by Distress.

XXIII. And be it further enacted, That all Justices of the Peace before whom any Person shall be convicted of any

Offence against this Act, shall and may cause the Conviction No. 22.  
to be drawn up in the following Form, or to the like Effect; 24 George III.  
that is to say, c. 54.

County, { **B**E it remembered, That on the  
d.c. of { Day of in the Year Form of Con-  
of the Reign of his Majesty A. B. is  
convicted before of his Majesty's Justices of  
the Peace for the said County, or Riding, Division, City,  
Town, Liberty, or Precinct [*as the Case shall be*], by virtue  
of an Act of Parliament made in the twenty-fourth Year  
of the Reign of his Majesty King George the Third, intituled,  
[*here set forth the Title of the Act, and specify the Offence, and  
the Time and Place when and where the same was committed.*]  
Given under our Hands and Seals, the Day and Year  
aforesaid.

XXIV. And be it further enacted, That if any Action or  
Suit shall be brought or commenced against any Person or Per- Limitation of  
sons for any Thing done in pursuance of this Act, every such Actions.  
Action or Suit shall be brought or commenced within six  
Calendar Months next after the Fact committed, and not after-  
wards; and shall be laid and brought in the County or Place  
where the Cause of Action shall arise, and not elsewhere; and  
the Defendant or Defendants in such Action or Suit shall and  
may plead the General Issue, and give this Act and the Special General Issue  
Matter in Evidence at any Trial to be had thereon, and that  
the same was done in pursuance and by the Authority of this  
Act: And if it shall appear to have been so done, or if  
any Action or Suit shall be brought after the Time before  
limited for bringing the same, or shall be brought in any other  
County or Place than as aforesaid, and in such Case the  
Jury shall find for the Defendant or Defendants; or if the  
Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discon-  
tinuance of his, her, or their Action or Suit after the Defen-  
dant or Defendants shall have appeared, or if a Verdict shall  
pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or  
otherwise, Judgment shall be given against the Plaintiff or  
Plaintiffs, the Defendant or Defendants shall have Treble Treble Costs  
Cost., and shall have such Remedy for the same as any Defen-  
dant hath for Costs of Suit in other Cases by Law.

XXV. And be it further enacted, That this Act shall be  
deemed and taken to be a Publick Act; and all Judges, Justices, and other Persons, shall take Notice thereof as such, Publick Act.  
without specially pleading the same.

The Schedule herein before referred to.

*Form of Mortgage and Charge upon the County Rates for  
securing the Money borrowed.*

**W**E A. B. one of his Majesty's Justices of the Peace,  
and Chairman of the Court of Quarter Sessions of  
E c c

No 22 the Peace for the County, &c. of (as the Case shall be) holden  
 4 George III. at the Day of C D. and E. F.  
 c 54 Esquires, two other of his Majesty's Justices of the Peace  
 acting for the said County, &c. and assembled in the said Court,  
 in pursuance of the Powers to us given by an Act passed in the  
 twenty-fourth Year of the Reign of his Majesty King George  
 the Third, intituled, &c. [insert the Title of the Act] do hereby,  
 in open Court, mortgage and charge all the Rates to be raised  
 within the said County, &c. (as the Case shall be) under the  
 Description of County Rates, by the Laws now in being, with  
 the Payment of the Sum of which G H of  
 hath proposed and agreed to lend, and hath now actually  
 advanced and paid towards defraying the Expences of build-  
 ing, repairing, &c. (as the Case shall be) the Gaol for the said  
 County, &c. And we do hereby confirm and establish the  
 same unto the said G H. his Executors, Administrators and  
 Assigns, for securing the Repayment of the said Sum of  
 and Interest for the same, after the Rate of  
*per Centum per Annum*; and do order the Treasurer for such  
 County, &c. or other Person (as the Case shall be) to pay the  
 Interest of the said Sum of half-yearly, as the  
 same shall become due, until the Principal shall be discharged  
 pursuant to the Directions of the said Act.

## No. 23,

24 George III. Sess. 2. c. 55.—An Act to explain and  
 amend an Act made in the twenty-second Year  
 of the Reign of his present Majesty, intituled, "An  
 Act for the amending and rendering more effectual  
 the Laws in being relative to Houses of Correc-  
 tion."

No. 23  
 24 George III.  
 c 55  
 22 Geo 3 c 64.  
 ' WHEREAS by an Act, passed in the twenty-second  
 ' Year of the Reign of his present Majesty, intituled,  
 ' "An Act for the amending and rendering more effectual  
 ' the Laws in being relative to Houses of Correction," recit-  
 ' ing, amongst other Things, That, in many Counties the  
 ' Houses of Correction were insufficient in Number or defi-  
 ' cient in Building, and the Apartments in them were very ill  
 ' accommodated to the Purposes for which they were intended,  
 ' by Means whereof, and from a Want of due Order, Employ-  
 ' ment, and Discipline in such Houses of Correction, the  
 ' Persons sent thither for Correction and Reformation frequently  
 ' grew more dissolute and abandoned during their Continu-  
 ' ance in such Houses, it was enacted, That the Justices of  
 ' Peace in every County, Riding, Division, City, Liberty,  
 ' and Precinct, within England and Wales, at their respective  
 ' Quarter Sessions of the Peace, to be holden next after  
 ' Midsummer from the Time of passing the said Act, should,  
 ' and they were thereby required to nominate one or more

Justice or Justices of the Peace, within their respective Jurisdictions, Divisions, or Districts, whom they should think most proper, to examine and inspect the several Houses of Correction within the same; and the Justice or Justices so to be nominated were required carefully and diligently to inspect the same with all convenient Speed, and report his or their Opinion to the Justices of their respective Jurisdictions at the *Michaelmas* Quarter Sessions then next following (as to the State and Condition thereof, and the Increase of Number, or Additions or Alterations which they might judge necessary to make them more convenient and useful, having regard to the classing of the several Persons who should be kept there, according to the Nature of their Crimes and Punishments, and to the providing proper Places for the Employment of such Persons who were committed to hard Labour, and to the keeping every Part of such Prisons clean and wholesome; and the said Justice or Justices so to be nominated, were thereby required to employ proper and skilful Persons to make Plans and Estimates of new Buildings, or the Additions or Alterations which he or they should think necessary in the present Buildings, to make them answer the several Purposes of the said Act; which Plans, together with the Report of the said Justice or Justices, were to be laid before the Court at the said *Michaelmas* Quarter Sessions; or if, from any Difficulties or Accidents, such Reports should not happen to be made at that Sessions, then, and in that Case, the same should be made at or before the *Epiphany* Quarter Sessions then next following); which Court was thereby authorised and required to consider the same, and if they approved such Plans, they might adjourn the Quarter Sessions to a further Day, for receiving Proposals from Persons inclined to undertake such Work, of which due Notice should be published, and then to contract with such Persons whom they should think most proper to do the same; or if they disapproved such Plans or Estimates, to direct such others to be made as they should think fit, and adjourn their Quarter Sessions to some further Day, to receive such new Plans and Estimates, and also Proposals from Persons inclined to undertake the Work; and the Justices, in settling and adjusting such Plans, were thereby required to provide separate Apartments for all Persons committed upon Charges of Felony, or convicted of any Theft or Larceny, and committed to the House of Correction for Punishment by hard Labour, under or by virtue of the Laws in being, in order to prevent any Communication between them and the other Prisoners; and also proper Apartments, covered or open, as should be found most convenient for employing the several Persons who were to be kept to hard Labour; and they were also to provide separate Apartments in each Division of the said House of Correction, for the Women who should be committed thither; and the said Justices, at their General Quarter Sessions, were

No. 23.

24 George III.

c. 55.



No. 23. ' thereby impowered, from Time to Time, upon any such  
 24 George 111. ' Report to them made, to make such Order thereupon as  
 c. 55. ' to them should seem just, and the Nature of the Case might  
 ' require: And whereas the Justices of the Peace, within many  
 ' of the said Jurisdictions, have omitted to make such Nomina-  
 ' tion, and to cause the necessary Examinations, Inspec-  
 ' tions, and Proceedings to be made within the Times pre-  
 ' scribed by the said Act, whereby the wholesome Regula-  
 ' tions, and the Benefit intended by the said Act will be lost  
 ' to the Publick within such Jurisdictions, unless further Time  
 ' be given for that Purpose;' for Remedy whereof, be it  
 enacted by the King's most Excellent Majesty, by and with the  
 Advice and Consent of the Lords Spiritual and Temporal, and  
 Commons, in this present Parliament assembled, and by the  
 Authority of the same, That it shall and may be lawful for the  
 Justices of the Peace for any County, Riding, Division, City,  
 Liberty, or Precinct, within *England* and *Wales*, who have  
 omitted to examine and inspect into the State of the Houses of  
 Correction within their respective Limits, and to proceed in  
 repairing, altering, and regulating the same, according to the  
 Directions and Intention of the said recited Act, to enquire  
 into, examine, inspect, and fully to execute and enforce the  
 same, at the next or any subsequent Quarter Session of the  
 Peace to be holden after the passing of this Act, as fully and  
 effectually, to all Intents and Purposes, as they could or might  
 have done if they had proceeded therein at the Quarter Ses-  
 sions held next after *Midsummer*, *Michaelmas* or *Christmas*,  
 from the Time of passing the said Act; any Thing therein, or  
 in any other Act, contained to the contrary thereof in any-  
 wise notwithstanding.

Justices who  
 have not in-  
 spected into the  
 State of the  
 Houses of Cor-  
 rection within  
 their Limits,  
 according to the  
 Directions of  
 the recited Act,  
 may do it, and  
 execute the  
 same at the next  
 Quarter-Ses-  
 sions, &c.

When the  
 Amount of any  
 Estimate for  
 building, en-  
 larging, &c.  
 shall be very  
 high, the Jus-  
 tices in Session  
 may mortgage  
 the Rates, &c.

' II. And whereas the Expenses of building, rebuilding,  
 ' enlarging, or removing and fitting up Houses of Correction,  
 ' may in some Cases become very burthensome on the Occu-  
 ' piers of Land, and other the Contributors to the County  
 ' Rates, in case the said Expenses should be raised in the  
 ' Manner herein before mentioned;' be it therefore enacted,  
 That where it shall appear that the Amount of any Estimate,  
 approved by the Justices, for the building, rebuilding, enlarg-  
 ing, or removing, and fitting up any House or Houses of Cor-  
 rection, under the Powers of this Act, shall exceed one Half  
 of the Amount of the ordinary annual Assessment for the  
 County Rate, for any County, Riding, Division, City, Town,  
 Liberty, or Precinct (such ordinary Assessment to be taken on  
 a mean Proportion of the said Rate for the last five Years pre-  
 ceding), that then, and in such Case, it shall and may be  
 lawful for the Justices of the Peace, within the respective  
 Limits of their Commissions, so assembled in their Quarter  
 Sessions as aforesaid, from Time to Time to borrow and take  
 up on Mortgage of the Rates herein mentioned, by Instru-  
 ments in the Form contained in the Schedule hereunto annexed,  
 or to that, or the like Effect, any Sums not less than fifty  
 Pounds, nor exceeding one hundred Pounds each, at legal or

lower Interest, as to them, or the major Part of them, such major Part not being less than five; shall appear necessary and expedient for the Purposes aforesaid, and to secure all and every such Sum and Sums of Money so borrowed upon the Credit of the Rates to be raised upon such County, Riding, Division, City, Town, Liberty, and Precinct respectively; and the said Justices so assembled as aforesaid, are hereby authorised to treat and agree with any Person or Persons for the Loan of any such Sum or Sums of Money, and by their Order to confirm and establish every such Agreement as aforesaid; and every such Agreement so established by such Order, and signed by the Chairman and two or more Justices present at the Time of making such Order, shall be, and the same is hereby declared to be effectual for securing to the Person or Persons so advancing any Sum or Sums of Money, his, her, or their Executors, Administrators, and Assigns, all and every such Sum or Sums of Money, with Interest for the same, on such Terms as in and by such Agreement or Agreements respectively shall be for that Purpose stipulated; and Copies or Extracts of all such Agreements or Securities shall be kept with the Clerk of the Peace, or other proper Officer having the Custody of the Records of the Quarter Sessions of such County, Riding, Division, City, Town, Liberty, or Precinct respectively; and all and every Person and Persons to whom any such Security or Securities shall be made, or who shall be intitled to the Money thereby secured, is and are hereby empowered (by indorsing his, her, or their Name or Names on the Back of such Security or Securities) to transfer and assign the same, and his, her, or their Right to the principal Money and Interest thereby secured, unto any Person or Persons; and every such Assignee may in like Manner transfer the same again, and so *toties quoties*; and the Person or Persons to whom such Security or Securities, or any such Assignment thereof, shall be made, and his, her, or their respective Executors, Administrators and Assigns, shall be Creditors upon the said Rates, in an equal Degree, one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced.

No. 23.  
24 George III.  
c. 55.

Agreements  
by Order of the  
Justices, signed  
by the Chair-  
man, &c. to be  
an effectual  
Security.

Securities may  
be transferred.

III. And be it further enacted, That the said Justices shall, and they are hereby authorised and required, not only to charge the Rates to be raised upon such County, Riding, Division, City, Town, Liberty, or Precinct, with the Interest of the Monies so borrowed on such Securities, but also with the Payment of a further Sum, equal at least to the Sum so charged for the Interest of such Securities; which said Sums shall be assessed on such County, Riding, Division, City, Town, Liberty or Precinct, in such Manner as County Rates are directed to be assessed by the Laws now in being, and paid and applied under the Direction of the said Justices, in Discharge of the Interest, and of so many of the principal Sums on the said Securities as such Money will extend to discharge in each Year, until the Whole of the Money for which such Securities shall be made,

To what Ex-  
tent the Justices  
may charge the  
County Rates.

No. 23. and the Interest thereof, shall be fully paid and discharged ;  
 24 George III. and the said Justices are required to fix one or more Day or  
 c. 55. Days in each Year, on which such Payment shall be made, and  
 shall make Orders for Assessments in due Time, so as to pro-  
 vide for the regular Payment thereof; and they are hereby re-  
 quired to appoint a proper Person to keep an exact and regular  
 Account of all the Receipts and Payments under the Authority  
 of this Act, in a Book or Books separate and apart from all  
 other Accounts, and the same to settle and adjust in such Man-  
 ner that it may easily be seen what Interest is growing due;  
 and what principal Money has been discharged, and what  
 remains due; and the said Book or Books, so adjusted and  
 settled, to deliver into Court at every General or Quarter  
 Sessions to be held for any such County, Riding, Division,  
 City, Town, Liberty, or Precinct; and the said Justices are  
 required, at every such Sessions, carefully to inspect all such  
 Accounts, and make Orders for carrying the several Purposes  
 of this Act into Execution, in such Manner as to them shall  
 seem meet; and if at any Time it shall appear to the said Jus-  
 tices, that the Person so appointed has neglected the said  
 Order, and has not duly, and without Delay, applied the  
 Money in his Hands to the Purposes hereby directed, such  
 Person shall forfeit Double the Amount of the Money which  
 shall not have been applied to the Purposes of this Act; and  
 the said Justices, so assembled in Session as aforesaid, shall  
 direct in what Order such Securities shall be discharged, by  
 drawing Lots or otherwise, as they shall think fit, first dis-  
 charging all such Securities which shall bear the highest  
 Interest.

A regular Ac-  
 count to be en-  
 tered in a Book;

which shall be  
 inspected by the  
 Justices at every  
 Sessions, &c.

Money bor-  
 rowed under  
 this Act to be  
 paid within a  
 limited Time.

Justices may  
 dispose of old  
 Houses of Cor-  
 rection, and the  
 Ground on  
 which they  
 stand.

IV. Provided always, and be it further enacted, That the  
 Justices of the Peace in their respective Quarter Sessions shall,  
 and they are hereby required to make Provisions, by means of  
 the Rates (which they are hereby authorised to make), and  
 by their Orders and Directions (which they are hereby autho-  
 rised to give), in such Manner that the whole Money to be  
 borrowed under the Authority of this Act, shall be fully paid  
 and discharged within a Time to be limited, not exceeding  
 fourteen Years from the Time of borrowing the same.

V. And be it further enacted, That in Cases where such  
 Houses of Correction shall be pulled down, repaired, rebuilt,  
 or enlarged, by the Authority of this Act, or any other Law  
 in being, it shall and may be lawful to and for the said Justices,  
 in their Quarter Sessions assembled, to sell and dispose of the  
 Materials of such old Houses of Correction, or such Parts  
 thereof, and also of the Whole, or such Parts of the Site or  
 Ground belonging thereto as shall not be necessary to be used  
 for or in the rebuilding, repairing, or enlarging such Houses of  
 Correction, at the best Price or Prices that can or may be got-  
 ten for the same; which Monies shall be applied to the Pur-  
 poses of this Act; and in case of any such Purchase of Lands,  
 Tenements, or Hereditaments, which shall exceed what is  
 necessary to be so used or employed, the said Justices may

sell and dispose of the same, and apply the Money to be raised by such Sale for the Purposes aforesaid. No. 23.  
24 George III.  
c. 55

VI. And be it further enacted, That it shall and may be lawful for the King's most Excellent Majesty, his Heirs and Successors, and for all Bodies Politick and Corporate, and also for all Guardians, Committees, Husbands, Trustees, and Attornies of any Person or Persons, being Infants, Lunaticks, Ideots, under Coverture, or any other Disability, and also for all other Persons who are or shall be seised, possessed of, or interested in, any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, which shall be deemed necessary for the Purposes of this Act, to contract or agree for, and to sell, convey, and assure such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, unto such Person or Persons as shall be named by the Justices, in Trust, and for the Purpose of erecting new Houses of Correction, or enlarging the old Houses of Correction, and the Yards, Courts, and Outlets therunto belonging; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary thereof notwithstanding.

VII. And be it further enacted, That all Sums of Money which shall be agreed to be paid to any Corporation, Guardian, Committee, Husband, Trustee, or Attorney, for or on Behalf of any Infants, Lunaticks, Ideots, Femmes-covert, or Co-tuigue Trust, or to any other Person or Persons whose Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges shall be limited in strict Settlement for the Purchase of any such Lands, Tenements, and Hereditaments, shall, in case such Sums of Money shall exceed the Sum of one hundred Pounds, be laid out by such Corporations, Guardians, Committees, Husbands, Trustees, or Attornies, or any Person or Persons seised of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, so limited in strict Settlement, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments, in Fee-simple, to be conveyed to, or to the Use of such Corporations, Guardians, Committees, Husbands, Trustees, or Attornies, and to and for such Person or Persons, and for such Estate and Estates, and to, for, and upon, and subject to such Uses, Limitations, Remainders, and Contingencies, as the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, for and in respect whereof such Purchase-money shall be paid as aforesaid shall be limited, settled, and assured at the Time such Purchase or Contract shall be made in Manner aforesaid, or such as shall then be capable of taking Effect; the Charges of such Conveyances and Settlements to be paid in the same Manner as the other Expences relating to the House of Correction; and in the mean Time, and till such Purchase or Purchases shall be made, such Money, whether the same shall or shall not exceed the

Purchase-money, exceeding tool. to be laid out to Purchase of Lands, &c. subject to the same Uses, &c.

No. 23. Sum of one hundred Pounds, shall be laid out by such Corporation, or other Persons for the Time being interested therein, in some Government Securities, in the Names of two Persons, one to be nominated by the Party or Parties for the Time being interested therein, and the other by the Justices aforesaid; and the Interest arising from such Securities shall be paid to such Person or Persons respectively, as would have been intitled to the Rents and Profits of such Lands, Tenements, Hereditaments, Easements, and Privileges, in case the same had not been sold, or would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, and Hereditaments, so to be purchased, in case the same were purchased and settled as aforesaid.

And until such Purchases are made, the Money to be laid out in Government Securities.

If the Parties refuse to treat, &c.

the value to be ascertained by a Jury.

VIII. And be it further enacted, That if any such Corporations, Guardians, Committees, Husbands, Trustees, and Attornies, or any Person or Persons for the Time being interested in any such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, which shall be deemed necessary for the Purposes of building or enlarging any such House of Correction, and other the Purposes of this Act, upon Notice in Writing to him, her, or them given, or left at the House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Corporation, shall, for the Space of twenty-one Days after such Notice so given or left as aforesaid, neglect or refuse to treat, or shall refuse to accept such Price as shall be offered by the Justices or their Agents, or shall otherwise not agree for the Sale of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, or if, by reason of Absence or Incapacity, they shall be prevented from treating for such Sale; then, and in such Case, the Justices of the Peace, at their General or General Quarter Sessions, or any two or more of them appointed for that Purpose, shall cause the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, to be inquired into and ascertained by a Jury of indifferent Men of the County, Riding, Division, City, Town, Liberty, or Precinct wherein the same shall be situated; and to that End shall summon and call before such Jury, and examine upon Oath (which Oath any one or more of such Justices of the Peace is and are hereby empowered to administer) any Person or Persons whomsoever; and such Justices of the Peace, or any two of them, shall, by ordering a View or otherwise, use all Ways and Means for the Information of themselves, and of such Jury, in the Premises; and when such Jury shall have inquired of and ascertained the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, the said Justices of the Peace shall thereupon order that the Sum or Sums which shall so appear to be the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, shall be paid in such Manner as is herein before directed, touching the Money to be paid for such Houses, Buildings, Lands, Tenements, Heredita-

ments, Easements, or Privileges, for Sale whereof the Person or Persons interested shall contract and agree in Manner aforesaid; which Verdict or Inquisition, and Order, shall be filed of Record by the Clerk of the Peace, or other Officer having the Custody of the Records of the said County, Riding, Division, City, Town, Liberty, or Precinct, and shall be final and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons whomsoever, claiming or to claim, in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Lunaticks, Idots, and Persons under Coverture, or any other Disability whatsoever, Corporations, Guardians, Committees, Husbands, Trustees, and Attornies, or any other Person or Persons whomsoever.

No. 23.  
George III.  
c 55  
Verdict of Jury, &c. to be final.

IX. And, for the summoning and returning such Juries, be it further enacted, That such Justices of the Peace, or any two of them, may issue their Warrant or Warrants to the Sheriff or Bailiff of any particular County, Riding, Division, City, Town, Liberty, or Precinct, within the Limits of which the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges shall be situated, requiring him to impanel, summon and return an indifferent Jury of twenty Persons, qualified to serve on Juries, to appear before the said Justices, or any two of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff and Bailiff is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and, out of the Persons so summoned, impanelled, and returned, or out of such as shall appear upon such Summons, the Justices of the Peace, or any two of them, shall, and they are hereby empowered and required to draw by Ballot, and to swear, or cause to be sworn, twelve Men, who shall be the Jury for the Purposes aforesaid; and, in Default of a sufficient Number of Jurymen so returned, the said Sheriff or Bailiff shall take such other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Justices of the Peace, or any two of them, shall have Power from Time to Time to impose a Fine or Fines upon such Sheriff or Bailiff, or his Deputy or Deputies making Default in the Premises; and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or, appearing, shall refuse to be sworn on the said Jury, or, being sworn, shall refuse to give, or shall not give a Verdict, or shall in any other Manner wilfully neglect his or their Duty therein; and also on any Person who, being summoned and required to give Evidence before the said Jury, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn or to give Evidence; so that no such Fine be more than ten Pounds, nor less than twenty Shillings, on any one Person for one Offence.

How the Jury shall be summoned.

Jurymen may be challenged

Justices may fine the Sheriff, Bailiff, &c. making Default.

No 23.  
24 George III.  
c. 55.  
Expences of  
Jury, &c. how  
to be defrayed.

X. And be it further enacted, That in case any Jury shall give in and deliver a Verdict for more Money, as the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges so to be purchased, than what shall have been offered for the Purchase thereof by the said Justices of the Peace, or their Agents, to any Person capable of contracting for the same, the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid out of the same Fund as the Expences of the Buildings to be erected thereon; but if such Jury shall give in and deliver a Verdict for no more, or for less Money, than the Money which shall have been so offered by such Justices of the Peace, or their Agent, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom such Controversy or Dispute, touching the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, shall arise.

On Payment  
of Purchase-  
money for  
Lands, &c. Jus-  
tices may take  
Possession  
thereof.

XI. And be it further enacted, That upon Payment of the Money so ordered to be paid for the Purchase of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, or upon Refusal or Inability to receive the same, leaving the same in the Hands of such Person as the Justices in their Quarter Sessions shall appoint, for the Use of the Party or Parties intitled thereto, or in case of the said Party or Parties not being to be found, then, upon Notice to be published in some Paper or Papers circulating in or near the said County, Riding, Division, City, Town, Liberty, or Precinct, where such House of Correction is to be built or enlarged, of the Payment or Intendment of such Purchase-money, the said Lands, Tenements, Hereditaments, Easements, and Privileges, so purchased, shall vest in the Person or Persons who shall be authorised to take and hold the same by virtue of this Act, for the Purposes aforesaid; and it shall be lawful for the said Justices, or any two of them, their Workmen or Agents, to enter upon, and take Possession of, and make use of the said Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, and every Part thereof; and thereupon all such Persons and Parties who were the Owners or Occupiers thereof, shall be divested of all Right and Title in and to the same, and every Part thereof.

Justices who  
are authorised to  
convict in a  
summary Way,  
may commit  
Offenders to the  
House of Cor-  
rection.

XII. And be it further enacted, That in all Cases where any Justice or Justices of the Peace is or are, or shall be, by any Act of Parliament, authorised or empowered to convict any Person or Person before him or them, in a summary Way, without the Intervention of a Jury, it shall and may be lawful, from and after the passing of this Act, for such Justice or Justices of the Peace so authorised or empowered as aforesaid, if he or they shall think fit, to commit such Person or Persons, so convicted in such summary Way as aforesaid, to the House of Correction within his or their Jurisdiction, in lieu or in stead of the Common Gaol; any Law, Statute, or Custom, to the contrary notwithstanding.

The Schedule to which this Act refers.

*Form of Mortgage and Charge upon the County Rates for* <sup>No. 23.</sup> *securing the Money borrowed.* <sup>24 George III. c. 55.</sup>

**WE** A. B. one of his Majesty's Justices of the Peace, and Chairman of the Court of Quarter Sessions of the Peace for the County, &c. of *(as the Case shall be)* holden at the Day of C D. and E. F. Esquires, two other of his Majesty's Justices of the Peace acting for the said County, &c. and assembled in the said Court, in pursuance of the Power to us given by an Act passed in the twenty-fourth Year of the Reign of his Majesty King George the Third, intituled, &c. [*insert the Title of the Act*] do hereby, in open Court, mortgage and charge all the Rates to be raised within the said County, &c., *(as the Case shall be)* under the Description of County Rates, by the Laws now in being, with the Payment of the Sum of which G. H. of hath proposed and agreed to lend, and hath now actually advanced and paid towards defraying the Expences of building, repairing, &c. *(as the Case shall be)* the House of Correction for the said County, &c. And we do hereby confirm and establish the same unto the said G. H. his Executors, Administrators and Assigns, for securing the Repayment of the said Sum of and the Interest agreed upon for the same, after the Rate of *per Centum per Annum*; and do order the Treasurer for such County, &c. or other Person *(as the Case shall be)* to pay the Interest of the said Sum of half-yearly, as the same shall become due, until the Principal shall be discharged pursuant to the Directions of the said Act.

No. 24.

24 George III. Sess. 2. c. 56. — An Act for the effectual Transportation of Felons and other Offenders; and to authorise the Removal of Prisoners in certain Cases; and for other Purposes therein mentioned.

19.

\* XII. **A**ND whereas there are several Persons confined in County and City Gaols in England and Wales, under Sentences and Orders made by one or more Justice or Justices of Peace at their Sessions or otherwise, upon Convictions in a summary Way, without the Intervention of a Jury; be it further enacted, That it shall be lawful for any Justice of Assize or Great Sessions, or any two or more Justices of the Peace within whose Jurisdiction such Gaol is situate, to remove any such Person or Persons to any House of Correction within the said Jurisdiction, there to be confined, and to remain in Execution of such Sentence or Order.

No. 24.  
24 George III.  
c. 56.

Justice of Assize may remove Prisoners committed by Justices of Peace.



## No. 25.

29 George III. c. 67.—An Act for the more effectual Execution of the Laws respecting Gaols.

No. 25.  
29 George III.  
c. 67.  
Preamble.

At the Quarter Session next after this Session of Parliament, and at the Michaelmas Session annually, a Certificate in the Form annexed, to be delivered by every Gaoler to the Chairman, read in open Court, and entered upon Record.

**F**OR the more effectual Execution of the Laws now in being for the well ordering of Gaols, and securing the Health of Prisoners, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That at the General Quarter Session of the Peace throughout *England* and *Wales*, to be next holden after the End of this Session of Parliament, and at the first Session of the Peace to be holden after *Michaelmas* in every succeeding Year, the Gaoler or other Officer having the Care or Superintendence of any Gaol within the Jurisdiction of the Court holding such Session, shall, and he is hereby required to deliver, or cause to be delivered to the Chairman or other Magistrate presiding in such Court, a Certificate according to the Form hereunto annexed, subscribed by himself and verified by him, to the best of his Knowledge and Belief, on his Oath, to be taken either before such Court, or in case of Sickness, or Inability from any other Cause to attend, then before some Justice of the Peace for the County, Town, or District in which such Gaol shall be situated, and that such Certificate shall express, after each of the Provisions therein enumerated, whether such Provision is or is not complied with or observed within such Gaol; and such Certificate shall be read publicly in open Court in the Presence of the Grand Jury, and entered upon Record as Part of the Minutes of the said Session.

The Court to take the Certificate into Consideration, &c.

II. And be it further enacted by the Authority aforesaid, That the said Court of Quarter Session shall thereupon take the said Certificate into their Consideration, and summon any Person or Persons named therein to appear before them, and shall give such Directions, and make such Orders relative to any of the Matters contained in such Certificate, as to such Justices shall seem meet, and shall and may take Security from any Person or Persons whom the same may concern, for his or their due Compliance therewith.

Penalty on Gaolers neglecting to deliver Certificates.

III. And be it further enacted, That if any Gaoler or other Officer having the Care or Superintendence of any Gaol, being a County Gaol, shall neglect to deliver, or cause to be delivered, such Certificate as aforesaid, he shall forfeit for every such Offence the Sum of fifty Pounds, and, not being a County Gaol, the Sum of twenty Pounds, to be recovered by any Person who shall sue for the same in any of his Majesty's Courts of Record at *Westminster*, or Court of Great Session in *Wales*, or the County Palatine of *Chester*, if the Offence shall arise there, by Action of Debt, Bill, Plaint,

or Information, wherein no Essoin, Protection, Wager of Law, No. 25.  
or more than one Imparlance, shall be granted or allowed. 29 George III.  
c. 67.

Certificate referred to in the Body of this Act.

to wit. { " **A**T the General Quarter Sessions of the Peace,  
" for the holden at  
" this Day of in the Year of  
" our Lord the Certificate of  
" in pursuance of the Statute in this Case made and  
" provided, respecting the Gaol of

22 and 23 C. 2. c. 20. enacts, That

Felons and Debtors shall be kept separate,  
under Penalties upon the Sheriff or Gaoler.

24 G. 2. c. 40. enacts, That

1. No Gaoler shall sell, lend, use, give  
away, or suffer Spirituous Liquors within any  
Gaol, under a Penalty.

2. Copy of the Clause last-mentioned, as  
also of two other Clauses respecting the  
same, shall be hung up in the Gaol, under a  
Penalty.

32 G. 2. c. 28. enacts, That

The Clerk of the Peace shall cause a List  
of the Fees payable by Debtors, and the  
Rules and Orders for the Government of  
Gaols and Prisons, to be hung up in the  
Court where the Assizes or Sessions shall be  
held, and send another Copy to the Gaol;  
and the Gaoler shall cause the same to be  
hung up in a conspicuous Place in the said  
Gaol.

13 G. 3. c. 58. enacts, That

Clergymen may be provided to officiate in  
Gaols.

11 G. 3. c. 20. enacts, That

Persons acquitted, or discharged upon  
Proclamation for want of Prosecution, shall  
be discharged immediately, in open Court,  
and without Fee.

14 G. 3. c. 59. enacts, That

1. The Walls and Ceilings of Cells in  
Gaols shall be scraped and white-washed  
once in the Year at least.

2. That the Cells shall be kept clean; and

No. 23. 3. That they shall be supplied with fresh  
 19 George III. Air, by Ventilators or otherwise.

c. 67.

4. That there shall be two Rooms set apart for the Sick.

5. That a warm and cold Bath, or bathing Tubs, shall be provided.

6. That this Act shall be hung up in the Gaol.

7. That a Surgeon or Apothecary shall be appointed, with a Salary.

### No. 26.

31 George III. c. 46. — An Act for the better regulating of Gaols, and other Places of Confinement.

No. 26.  
 31 George III.  
 c. 46.

Preamble.

Justices in Session to appoint a Governor and other Officers for Houses of Correction, &c.

and may remove them, &c.

**F**OR the better Regulation of Gaols, and other Places of Confinement used as Houses of Correction or Penitentiary Houses, in and for the several Counties, Ridings, and Divisions, within that Part of *Great Britain*, called *England*: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Justices of the Peace assembled at one or more General or Quarter Sessions for any County, Riding, or Division, or at any special Adjournment thereof, held for such express Purpose, of which Sessions or Adjournment public Notice shall have been given in some Newspaper circulating in such County, and signed by the Clerk of the Peace, and at which five Justices at least shall be present, shall appoint a Governor or Task Master, and such other Officers for every Place of Confinement used as a House of Correction, or Penitentiary House, in and for such County, Riding, or Division, and with such Salaries and Allowances for the said Governor, and other Officers, as they the said Justices, or the major Part of them, shall deem necessary, and to order or direct the said Salaries to be paid out of the County Rate; and the said Justices shall from Time to Time have Power, at their General or Quarter Sessions, or any Adjournment thereof, as aforesaid, to remove the Governor and other Officers of the said Houses, and to appoint others in their Stead, and to increase or diminish the Number of the Officers, exclusive of the Governor, and also to alter the Salaries and Allowances of such Governor, and other Officers, as they shall from Time to Time find convenient; and in fixing the Salary and Allowance of such Governor or Task Master, the Justices shall have Regard, so far as may be, to the making the Emoluments of the Office depend on the Quantity of Work done and performed in such Houses, that it may become the Interest as well as Duty of such Governor or Task Master to see that all Persons under his Custody be regularly and pro-

fitably employed; and such Governor and other Officers shall give such Security for the Performance of their respective Duties, and to such Person or Persons, as the said Justices, from Time to Time, at any such General or Quarter Sessions, shall appoint; and such Governor or other Officers, for any Negligence or Misbehaviour in their respective Offices, may either be proceeded against on the Security so to be given, or shall be fineable by the said Justices at any General or Quarter Sessions, in the same Manner as the Governor of any House of Correction is fineable by Justices of the Peace, by an Act passed in the seventh Year of King James the First, intituled, "An Act for the due Execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and sturdy Beggars, and other lewd and idle Persons;" or by an Act of the seventeenth Year of King George the Second, intituled, "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction;" and if any Governor of any such House, being removed by any Order of the said Justices, at their General or Quarter Sessions or any Adjournment thereof, shall refuse or neglect to quit the Possession of the said House for forty-eight Hours next after Notice given to him in Writing by the Clerk of the Peace, any two or more of the said Justices, upon Proof before them of such Order of Removal, such Notice thereof, and such Neglect or Refusal to comply with the same, may, by Warrant under their Hands and Seals, direct the Sheriff of the said County to remove such Governor out of the said House, and the Sheriff shall accordingly clear the Possession thereof, in like Manner as upon a Writ of *Habere facias Possessionem*.

II. And be it further enacted, That the Justices of the Peace shall, and they are hereby authorized and required, at some General or Quarter Sessions, or adjourned Session, as aforesaid, to make such Rules and Orders for receiving, separating, clusing, dieting, cloathing, maintaining, employing, reforming, governing, managing, treating, and watching all Offenders, during their respective Confinement in the said Penitentiary Houses, and also for adjusting what Aid shall be given to them, as well during such Confinement as on their being released, as to the said Justices shall seem most fit and proper; but no such Rules and Orders shall be made at any such Sessions, unless five Justices at least shall be present; and in making such Rules and Orders, the said Justices shall have Regard to the Discipline, Provisions and Directions contained in an Act of the nineteenth Year of his present Majesty, intituled, "An Act for explaining and amending the Laws relating to the Transportation, Imprisonment, and other Punishment of certain Offenders," concerning the two National Penitentiary Houses therein-mentioned; but such Rules and Orders so to be made as aforesaid, shall not begin to have Force until they have been submitted to the Justices of Assize, Great Session, Oyer and Terminer, or Gaol Delivery, at the

No. 26.

31 George III.  
c. 46.Officers to give  
Security for  
Performance of  
their Duties,  
and may be pro-  
ceeded against  
for Neglect, &c.

7 Jac. 1. c. 4.

17 Geo. 2. c. 5.

Governors may  
be compelled to  
quit Possession.Justices in  
Session to make  
Rules for Peni-  
tentiary Hou-  
ses, &c.

19 Geo. 3. c.

Rules to be  
submitted to the  
Justices of As-  
sise for Confir-  
mation.

No. 26. Assizes which shall be holden for such County next after the making of such Rules and Orders, or at some subsequent Assizes, and the said Justices, to whom such Rules and Orders shall have been submitted, shall have subscribed a Certificate or Declaration, that they do not see any Thing contrary to Law in the said Rules and Orders so to be made as aforesaid; and all such Rules and Orders shall be afterwards added to, or altered, from Time to Time, as often as the said Justices of the Peace for such County, at any General or Quarter Sessions, or adjourned Session, as aforesaid, (at which five at least shall be present,) shall think necessary, and such Additions or Alterations shall also in like Manner be submitted to the Justices of Assize, Great Session, Oyer and Terminer, or Gaol Delivery, at any Assizes for such County, in Manner aforesaid, who shall subscribe such Certificate or Declaration as before mentioned; but nothing herein contained shall extend, or be construed to extend, to deprive any Convict of the Benefit of any weekly or other Allowance which has usually been or hereafter may be granted or made by virtue of any Law, Statute, Custom, or Order, for the Purpose of maintaining and supporting convicted Prisoners, provided only that the Application of all and every such Allowance shall be subject to such Limitations and Restrictions as may be contained in the Rules and Orders herein directed to be made for the Government and Police of the said Houses.

Rules may be altered.

Act not to deprive Convicts of any Allowance made by Law.

Powers and Duty of Governors.

III. And be it further enacted, That every Governor of the several Places of Confinement to be used as Houses of Correction or Penitentiary Houses, and his or their Assistants, shall have the same Powers over the Offenders to be confined therein, as are incident to the Office of a Sheriff or of a Gaoler, and in like Manner be answerable for the Escape of any Offender within his Custody; and moreover, the said Governor shall have Power to hear Complaints, and examine Persons touching Offences, and punish the same (except by Whipping) in such and the same Manner as the Governor of each Penitentiary House, directed to be built by the said Act of the nineteenth Year of his present Majesty, is by the said Act impowered to do; and in case of the Repetition of such Offences, or in case of Offences more enormous, which the said Governor is not by this Act impowered to punish, the said Governor shall report the same to the visiting Justices, or one of them, for the Time being, to be appointed as herein-after is directed; and such Justices, or one of them, shall have Power to inquire, upon Oath, and determine concerning all such Offences so reported to them, and shall order such Offenders to be punished, either by moderate Whipping, repeated Whippings, or by close Confinement, for any Term not exceeding one Month; and if any Person ordered to hard Labour shall at any Time, during the Term for which he or she shall be so ordered, break Prison, or shall escape from the Place of his or her Confinement, or in the Conveyance to the same, or from the Person or Persons having the lawful

Penalty on Persons escaping from Confinement, or assisting them to escape, &c.

Custody of such Offender, or if any Person shall rescue any Offender who shall be ordered to hard Labour, either during his or her Conveyance to the Place of his or her Confinement, or whilst such Offender shall be in the Custody of the Person or Persons under whose Care and Charge he or she shall be confined, or if any Person shall be aiding or assisting in any such Rescue, or if any Person having such Custody as an Assistant shall voluntarily or negligently permit such Offender to escape, or if any Person shall, by supplying Arms, Tools, Instruments, or Means of Disguise, or otherwise in any Manner aid or assist any such Offender in any Escape, or in any Attempt to make any Escape, though no Escape be actually made, every such Offence as aforesaid shall be punished in the same Manner as the like Offence would be punishable under the before-mentioned Act of the nineteenth Year of his present Majesty, directing two National Penitentiary Houses to be built, if such had been committed by or in respect of any Person ordered to hard Labour in either of the said two Penitentiary Houses therein mentioned.

No. 26  
31 George III.  
c. 46.

IV. And be it further enacted, That the Provision made in and by the said Act of the nineteenth Year of his present Majesty, for carrying on Prosecutions for Escapes, Attempts to escape, Breaches of Prison, and Rescues, in the Case of Persons adjudged to either of the said Penitentiary Houses thereby directed to be built, shall extend and be applied to any Prosecution for any Escape, Attempt to escape, Breach of Prison, or Rescue, in the Case of any Person who under this Act shall be adjudged to any of the said Penitentiary Houses.

Provision of  
19 Geo. 3 c.  
74. for Prosecu-  
tions for Es-  
capes, &c. to ex-  
tend to this  
Act.

V. And, for better preventing all Abuses, as well in the common Gaols as in the said Houses of Correction, or other Places of Confinement to be used as Penitentiary Houses, be it further enacted, That the Justices of the Peace shall, at every General or Quarter Sessions after the passing of this Act, appoint two or more Justices Visitors of each of the said Gaols and other Places of Confinement; and such visiting Justices so respectively appointed shall, either together or singly, personally visit and inspect such Prison at least three Times in each Quarter of a Year, and oftener if Occasion shall require, and shall examine into the State of the Buildings, the Behaviour and Conduct of the respective Officers, and the Treatment and Condition of the Prisoners, the Amount of their Earnings, and the Expences attending such Prison, and in Matters of pressing Necessity, and within the Powers of their Commission as Justices, shall take Cognizance thereon, and proceed to regulate and redress the same; and at every General or Quarter Sessions of the Peace, the said visiting Justices respectively shall make a Report in Writing, of the State and Condition of the same, and of all Abuses which may occur to their Observation therein; and the Chairman of the said Sessions is hereby required to call upon the said Visitors for such Report; And it shall be lawful for every Justice of the Peace for such County, Riding, or Division, of his own Accord,

Visiting Jus-  
tices to be ap-  
pointed, &c.

No. 26. and without being appointed a Visitor, to enter into and to  
 31 Geo. 11. c. 46. examine the same at such Time or Times, and as often as he shall think fit, and if he shall discover any Abuses therein, he is hereby required to report them in Writing at the next General or Quarter Sessions of the Peace, or adjourned Sessions, which shall be holden for such County, Riding, or Division; and when and as often as Report of any Abuses in the said Place of Confinement shall be made by the said visiting Justices, or either of them, or by any other Justice of the Peace for such County, Riding, or Division, the Abuses so reported shall be taken into immediate Consideration by the Justices of the Peace for such County, Riding, or Division, at the General or Quarter Sessions, or adjourned Sessions, at which such Report shall be made, and they are hereby required to adopt the most effectual Measures for inquiring into and rectifying such Abuses, as soon as the Nature of the Case will allow.

Any Justice may examine Houses of Confinement, &c.

Abuses to be rectified by the Justices in Sessions.

‘VI. And, for establishing and enforcing a proper Police within the said Gaols, in and for the several Counties, Ridings, and Divisions, in *England and Wales*,’ be it further enacted, That a Body of Rules, Orders, and Regulations, as Bye-Laws for the Government of the said Gaols, and of the Prisoners to be therein confined, shall be framed, made, and confirmed by such Persons and in such Manner as is appointed for County Gaols in general, by a Statute of the thirty-second Year of his late Majesty King George the Second, intituled, “An Act for Relief of Debtors with respect to the Imprisonment of their Persons; and to oblige Debtors, who shall continue in Execution in Prison beyond a certain Time, and for Sums not exceeding what are mentioned in the Act, to make Discovery of, and deliver upon Oath, their Estates for their Creditors’ Benefit;” and in the same Rules, Orders, and Regulations, proper and particular Directions shall be given for effectuating such Separation and Classing of Prisoners, as is directed by the aforesaid Act of the twenty-fourth Year of his present Majesty, with such further Separation and Classing as shall be thought requisite, and also as well for enforcing, amongst the Prisoners of all Descriptions, Cleanliness, Temperance, and a decent and orderly Behaviour, as for securing a just and humane Treatment of them by the Gaoler and his Servants, and all Directions contained in the said Act, respecting such Rules and Orders, shall be exactly conformed to.

Bye Laws to be made conformable to

32 Geo. 2 c. 28

Rules for classing of Prisoners, &c. as directed by 24 Geo. 3 c. 54, to be conformed to.

Offenders sentenced to Transportation after July 1, 1791, may be imprisoned and kept to hard Labour till transported, &c.

VII. And be it further enacted, That it may be lawful for the Court by whom any Offender shall be sentenced to Transportation for Crimes committed after the first Day of July one thousand seven hundred and ninety-one, or, in the Case of any Offender to whom his Majesty’s Royal Mercy shall be extended on Condition of Transportation, or for any Judge or Justice of the Court by or before whom such Offender shall have been convicted, or any Justice of the King’s Bench, Common Pleas, or Baron of the Exchequer, being of the

Coif, or Justice of Oyer and Terminer, or General Gaol Delivery, or Justices of the Peace at their Quarter Session, to order and adjudge that such Person shall be imprisoned and kept to hard Labour in the Common Gaol in and for the County where such Offender shall have been convicted, until he or she be transported or otherwise removed according to Law, or until he or she, by the Expiration of the Term of such Sentence of Transportation or otherwise, shall be entitled to his or her Liberty: Provided always, and it is hereby expressly declared, That the Time during which such Offender shall so continue confined, shall be reckoned in Discharge, or Part of Discharge or Satisfaction of the Term of his or her Transportation.

No. 26.  
George III.  
c. 40.

VIII. And be it further enacted, That the Keeper of the Common Gaol, and also the Governors or Keepers of the several Places of Confinement to be used as Penitentiary Houses in and for each County, Riding, or Division, on the first Day of every Assizes, Great Sessions, or General Gaol Delivery, shall make a just and true Return in Writing to the Clerk of Assizes, or other Clerk or proper Officer of such Court, specifying the Number and Size of the Cells completed for the Reception of Prisoners ordered to Imprisonment and hard Labour, the Name of all and every the Person or Persons in his Custody, the Offences of which they have been guilty, the Court before which each Person was convicted, the Sentence of the Court, if tried and convicted before any Court of Record, or, if committed by one or more of his Majesty's Justices of the Peace, then the Name of the Justice or Justices before whom such Person or Persons was or were convicted, and the Offence of which such Person or Persons was or were convicted, the Age, bodily Estate, and Behaviour of every such Convict.

Keepers of  
Gaols, &c. to  
make Returns as  
herein directed.

IX. And be it further enacted, That every such Return, before it is delivered into Court, shall be examined by one or more of the visiting Justices to be appointed as herein-before directed, who is hereby required to sign such Return, and to annex thereto such Observations as he shall think fit on every Particular therein contained.

Visiting Jus-  
tices to examine  
Returns, &c.

X. And be it further enacted, That as long as any Person under Sentence of Transportation shall continue in the Common Gaol, the Gaoler having Custody of such Offender shall, and he is hereby required to separate such Convict, as far as conveniently may be, from every Person in his Custody, except Prisoners convicted of Felony

Persons under  
Sentence of  
Transportation  
to be kept sepa-  
rate from other  
Prisoners except  
Felons.

XI. And be it further enacted, That in case the Common Gaol shall not be in a State to afford the Means of Separation according to the Directions of the said Act of the twenty-fourth Year of the Reign of his present Majesty, intituled, "An Act to explain and amend an Act made in the ninth, eleventh, and twelfth Years of the Reign of William the Third, the said Gaoler shall, and he is hereby required to report the Insufficiency of such County Gaol to the Grand Jury at the Assizes,

Gaolers to re-  
port to the  
Grand Jury the  
Insufficiency of  
Gaols, not af-  
fording the  
Means of Sepa-  
ration according  
to 24 Geo. 3.  
c. 54.



No. 26. Great Sessions, or General Gaol Delivery next to be holden  
 31 George III. after the passing of this Act, and at every subsequent Assize,  
 c. 46. Great Session, or General Gaol Delivery, till such Means of  
 Separation shall be effected.

Provision of  
 19 Car. 2 c. 4.  
 for setting Per-  
 sons in Gaol to  
 work, recited.

Justices may  
 execute the re-  
 cited Provision in  
 favour of all  
 Prisoners wil-  
 ling to work.

‘ XII. And whereas, by an Act of the nineteenth Year of  
 ‘ the Reign of King *Charles* the Second, intituled, “ An Act  
 ‘ for Relief of poor Prisoners, and setting them on Work,” after  
 ‘ reciting that there was not any sufficient Provision made for  
 ‘ the Relief and setting on Work of poor and needy Persons  
 ‘ committed to the common Gaol for Felony and other Mis-  
 ‘ demeanors, who many Times perish before their Trial, and  
 ‘ the Poor there living idly and unemployed become debauched,  
 ‘ and come forth instructed in the Practice of Thievery and  
 ‘ Lewdness, it is enacted, That the Justices of the Peace  
 ‘ in their respective Counties, at any of their General Sessions,  
 ‘ if they shall find it needful so to do, may provide a Stock of  
 ‘ such Materials as they find convenient for the setting poor  
 ‘ Prisoners on Work, in such Manner and by such Ways  
 ‘ as other County Charges may be levied and raised, and  
 ‘ to pay and provide fit Persons to oversee and set such Per-  
 ‘ sons on Work, and make such Orders for Accounts of  
 ‘ and concerning the Premises as shall by them be thought  
 ‘ needful, and for Punishment of Neglects and other Abuses,  
 ‘ and for bestowing the Profits arising by the Labour of  
 ‘ the Prisoners set on Work for their Relief, which shall  
 ‘ be duly observed, and may alter, revoke, or amend such their  
 ‘ Orders from Time to Time, provided that no Parish be rated  
 ‘ above six Pence by the Week towards the Premises, having  
 ‘ Respect to the respective Values of the several Parishes :  
 ‘ And whereas the Provision of the said recited Statute  
 ‘ is very fit to be executed with respect to such Prisoners  
 ‘ therein described as shall be confined in the Gaols, with an  
 ‘ Extension thereof to all other Prisoners inclined to take the  
 ‘ Benefit thereof, and also an Increase of the Sum limited  
 ‘ by the said Act for defraying the Expence of executing the  
 ‘ same :’ Be it therefore enacted, That the Justices of the  
 ‘ Peace shall have Authority to execute the said recited Provision  
 ‘ in the said last-mentioned Act, for setting poor Persons on  
 ‘ Work, as well in regard to such Persons as are therein descri-  
 ‘ bed, as in favour of all other Prisoners within the said Gaols,  
 ‘ who may at any Time be inclined and willing to work ; and  
 ‘ for that Purpose are hereby authorised, at a General or Quar-  
 ‘ ter Session of the Peace for the said County, or at any  
 ‘ Adjournment thereof, to direct the Payment of such Sums of  
 ‘ Money out of the County Rate for the said County as they shall  
 ‘ from Time to Time think fit to be expended in executing the  
 ‘ Provision of the said last-mentioned Act, according to the Ex-  
 ‘ tension thereof hereby made.

‘ XIII. And whereas, by an Act of the fourteenth Year  
 34 Eliz. 1. 5. ‘ of the Reign of Queen *Elizabeth*, intituled, “ An Act how  
 ‘ Vagabonds shall be punished, and the Poor relieved,” as also  
 ‘ by the above-mentioned Act of the thirty-second Year of the

‘Reign of King George the Second, some Provision is made No. 26.  
 ‘for the Relief of Prisoners; but, notwithstanding the humane 31 George III.  
 ‘Purposes thereby intended, the Health of Prisoners is fre- c. 46.  
 ‘quently so affected, by Want of necessary Food, as to render  
 ‘them incapable of Labour when released, and therefore it  
 ‘may be expedient to have a more extensive Provision in  
 ‘favour of such poor Prisoners as shall be confined in the said  
 ‘Gaols and other Places of Confinement, and have not any  
 ‘Means of acquiring necessary Sustenance:’ Be it therefore  
 enacted, That, from and after the passing of this Act, it shall  
 be lawful for the Justices of the Peace, at their General or  
 Quarter Sessions, or any Adjournment thereof, from Time to  
 Time to order such Sum or Sums of Money to be paid out  
 of the County Rate, towards assisting such Prisoners, of  
 every Description, as, being confined within the said Gaols  
 or other Places of Confinement, are not able to work, or  
 being able, cannot procure Employment sufficient to sustain  
 themselves by their Industry, or who may not be otherwise  
 provided for by virtue of any Law or Statute, or of any  
 Custom, or Order, such Food and Raiment as the said Justices  
 shall, from Time to Time, think necessary for the Support of  
 Health; and such Money shall accordingly be applied, in  
 conformity to Directions to be given by the said Justices.

Justices in Ses-  
 sion may order  
 Assistance out  
 of the County  
 Rates to Prison-  
 ers who cannot  
 work, &c

XIV. And be it further enacted, That if the said Visitors  
 shall at any Time observe, or be satisfactorily informed of any  
 extraordinary Diligence or Merit in any of the Offenders  
 under their Inspection, they shall report the same to the Justices  
 of Oyer and Terminer and Gaol Delivery, or Great Sessions,  
 at their next or any subsequent Session to be holden for the  
 County in which such Offender was convicted, in order that  
 such Justices may, if they shall think proper, recommend such  
 Offender to the Royal Mercy, in such Degree or upon such  
 Terms as to them shall seem meet, and if his Majesty shall  
 thereupon be graciously pleased to shorten the Duration of such  
 Offender’s Confinement, such Offender shall, together with  
 necessary Cloathing, receive such Sum of Money for his or  
 her immediate Subsistence, as the said visiting Justices shall  
 think proper, so as such Sum shall not exceed twenty Shillings,  
 nor be less than five Shillings, in case such Offender shall have  
 been confined for the Space of one Year, and so in Proportion  
 for any shorter Term of Confinement; and such Sums of  
 Money, as also the Expence of such Cloathing, shall be paid  
 out of the County Rate.

Visitors to re-  
 port any extra-  
 ordinary Dili-  
 gence or Merit  
 in Offenders to  
 the Great Ses-  
 sions, &c.

XV. And whereas a considerable Part of the Emolu-  
 ‘ment of Gaoler, or Keeper of the Gaol, has usually arisen  
 ‘from Fees paid to him by Debtors and other Persons confined  
 ‘therein, and from incidental Charges made by him on the  
 ‘County Rate, on the Dismission of Prisoners, and on the Re-  
 ‘moval of Transports; and by reason of Neglect in regulating  
 ‘the said Fees, as directed by the aforesaid Act of the thirty-se-  
 ‘cond Year of King George the Second, they are become oppres-  
 ‘sive and burthensome to poor Prisoners, and such Charges on

No. 26.  
31 George III  
c. 46

Justices in Ses-  
sion to settle a  
Table of Fees  
for Gaolers, &c.

and may grant  
Salaries were  
Emoluments are  
diminished.

Regulation of  
Fees affecting  
the Sheriff, to  
be consented to  
by him or not  
to take place  
during his Con-  
tinuance in Of-  
fice.

Justices may  
stipulate with  
Gaolers for Pay-  
ment of Salaries,  
which are not  
to be given to  
Persons inca-  
pable of executing  
the Office.

‘the County Rate are liable to frequent Abuse:’ Be it there-  
fore enacted, That the Justices of Peace assembled at their General or Quarter Sessions, or at some Special Adjournment thereof as aforesaid, shall, and they are hereby required, within twelve Months after the passing of this Act, to regulate and settle a Table of Fees and Rates to be taken by the Gaoler or Keeper of the Gaols or other Places of Confinement as aforesaid; and the said Justices so assembled as aforesaid, are hereby authorized and empowered from Time to Time to alter, vary, or totally disallow of all or any such Charges and Fees, and to order a Copy of the Table of Fees so regulated to be hung up in the Court of Assize and Quarter Sessions for the County, Riding, or Division, and another Copy thereof to be transmitted to the said Gaoler or Keeper, who shall cause the same to be hung up in some conspicuous Place within the Gaols or Penitentiary Houses; and all Orders and Directions contained in the said last-mentioned Act, respecting the Table of Fees and Rates to be taken by Gaolers or Keepers of Prisons, shall be conformed to as if the same were herein particularly enacted and repeated; and by way of Recompence for any Diminution of Emolument in the Office of Gaoler or Keeper of the said Gaols or Penitentiary Houses, by Means of any such Regulation of Fees, or by the disallowing any such Charges on the County Rate, or any Part thereof, as well as for and in lieu of all or any Part of the Profits and Emoluments that have usually arisen from the Office of Gaoler or Keeper, the said Justices so assembled as aforesaid, are hereby further authorized and empowered to grant such Salaries and Allowances to the said Gaoler or Keeper, and to his Assistants, as to the said Justices shall appear reasonable and satisfactory, and from Time to Time to alter and vary the same as they shall think fit; and to order and direct the said Salaries and Allowances to be paid out of the County Rate, by the Treasurer of the County, Riding, or Division, upon an Order or Orders signed by the Chairman of any General or Quarter Sessions of the Peace held for the County, Riding, or Division, specifying the Salary and Allowance so directed to be paid: Provided always, That no such Regulation of Fees and Charges, or any subsequent Alteration thereof, or any Variation in such Salaries and Allowances so granted, that may in anywise affect the Sheriff or his Officers, shall take Place or have Effect pending the Continuance in Office of the Sheriff who shall be actually in Commission at the Time of making such Regulation, or any Alteration thereof, or of varying such Salaries and Allowances, unless such Sheriff shall, by Writing under his Hand, consent thereto; and the said Justices, in granting to any Gaoler or Keeper any such Salary or Allowance, may stipulate, as a Condition of the Payment thereof, that he do regularly observe and keep the Rules and Orders of the Gaol: And it is hereby further expressly provided, That no such Salary and Allowance shall be paid out of such County Rate to any Woman, or other Person incapable of executing the Office in Person, who may at any Time be appointed Gaoler or Keeper of such Gaol.

XVI. And be it further enacted, That all Fines, Forfeitures, and Penalties, inflicted by this Act, or which shall be inflicted by virtue of any Rule or Order to be made in pursuance thereof, the levying and recovering of which are not particularly herein directed, shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of two Justices of the Peace, who are hereby authorised to hear and examine Witnesses on Oath or Affirmation, and determine the same; and all such respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted, or authorised to be imposed and inflicted, the Application whereof is not herein-before particularly directed, shall be paid from Time to Time to the Treasurer of the County, Riding, or Division, for the Time being, and shall be applied and disposed of for the Purposes of this Act, and to or for no other Use or Purpose whatsoever; and the Overplus of the Money raised by such Sale, after deducting the Penalty and the Expences of the Distress and Sale, shall be rendered to the Owner of the Goods so distrained and sold; and for Want of sufficient Distress the Offenders shall be committed by such Justice to some Prison for the said County, Riding, or Division, for such Term, not exceeding three Calendar Months, nor less than one Calendar Month, as such Justices shall think proper.

No. 26  
31 George III.  
c. 46

How Penalties are to be recovered and applied.

Offenders may be committed to Prison for Want of Distress.

XVII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen, *vide hoc*:

"**B**E it remembered, That on \_\_\_\_\_ in the Year of our  
" Lord one thousand seven hundred \_\_\_\_\_ A. B.  
" is convicted before me C. D. one of his Majesty's Justices of  
" the Peace for the County of \_\_\_\_\_ [specifying  
" the Offence, and the Time and Place when and where the same  
" was committed, as the Case shall be.] Given under my Hand  
" and Seal, the Day and Year first above mentioned."

Form of Conviction.

XVIII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace, within four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving or causing to be given seven clear Days' Notice at least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Justice or Justices of the Peace before whom the Conviction shall have been had, and to the Clerk of the Peace for the County, Rid-

Persons aggrieved may appeal to the Quarter Sessions, &c.

No. 26. ing, or Division, in which such Offence shall be tried, and  
 31 George III. within two Days after such Notice, enter into Recognizance  
 c. 46. before some Justice of the Peace for the said County, with two  
 sufficient Sureties conditioned to try such Appeal, and abide  
 the Order of, and to pay such Costs as shall be awarded by,  
 the Justices at such Quarter Session; and the Justices at such  
 Session, upon due Proof of such Notice being given as afore-  
 said, and of the entering into such Recognizance, shall hear  
 and finally determine the Causes and Matters of such Appeal  
 in a summary Way, and award such Costs to the Parties ap-  
 pealing, or appealed against, as they the said Justices shall  
 think proper; and the Determination of such Quarter Session  
 shall be final, binding, and conclusive, to all Intents and  
 Purposes.

No Proceed-  
 ings to be qual-  
 ified for Want of  
 Form, &c.

XIX. And be it further enacted, That no Order made  
 touching or concerning any of the Matters in this Act contain-  
 ed, or any Proceedings to be had touching the Conviction or  
 Convictions of any Offender or Offenders against this Act,  
 shall be quashed for Want of Form, or be removed or remove-  
 able by *Certiorari*, or any other Writ or Process whatsoever,  
 into any of his Majesty's Courts of Record at *Westminster*; and  
 that where any Distress shall be made for any Sum or Sums of  
 Money to be levied by virtue of this Act, the Distress itself  
 shall not be deemed to be unlawful, nor the Party or Parties  
 making the same be deemed a Trespasser or Trespassers, on  
 account of any Defect or Want of Form in the Summons,  
 Conviction, Warrant of Distress, or other Proceedings rela-  
 ting thereto, nor shall such Party or Parties be deemed a  
 Trespasser or Trespassers *ab initio*, on account of any Irregu-  
 larity which shall be afterwards done by the Party or Parties  
 distraining; but the Person or Persons aggrieved by such Ir-  
 regularity shall and may recover full Satisfaction for the spe-  
 cial Damage (if any) in an Action upon the Case; but no  
 Plaintiff or Plaintiffs shall recover in any Action for such Ir-  
 regularity as aforesaid, if Tender of sufficient Amends hath been  
 made, by or on Behalf of the Party distraining, before such  
 Action brought.

General Issue.

XX. And be it further enacted, That if any Suit or Action  
 shall be prosecuted against any Person or Persons, for any  
 Thing done in pursuance of this Act, such Person or Persons  
 may plead the General Issue, and give this Act or the special  
 Matter in Evidence at any Trial to be had thereupon, and that  
 the same was done by Authority of this Act; and if a Verdict  
 shall pass for the Defendant or Defendants, or the Plaintiff or  
 Plaintiffs shall become nonsuit, or discontinue his, her, or their  
 Action or Actions after Issue joined, or if, upon Demurrer or  
 otherwise, Judgment shall be given against the Plaintiff or Plain-  
 tiffs, the Defendant or Defendants shall recover Treble Costs,  
 and have the like Remedy for the same as any Defendant or  
 Defendants hath or have by Law in other Cases; and though  
 a Verdict shall be given for any Plaintiff, in any such Action or  
 Suit as aforesaid, such Plaintiff shall not have Costs against the

Treble Costs.

Defendant, unless the Judge before whom the Trial shall be, shall certify his Approbation of the Action, and of the Verdict obtained thereupon. N  
31 G. 3. rge III.  
c. 10.

XXI. And be it further enacted, That all Actions, Suits, and Prosecutions, to be commenced against any Person or Persons for any Thing done in pursuance of this Act, shall be laid and tried in the County or Place where the Facts were committed, and shall be commenced within six Calendar Months after the Fact committed, and not otherwise. Limitation of  
Act 22.

### No. 27.

52 George III. c. 160.—An Act to enable Justices of the Peace to order Parochial Relief to Prisoners confined under Mesne Process for Debt in such Gaols as are not County Gaols.—[29th. July 1812.]

**W**HEREAS great Distress is suffered by poor Persons confined under Mesne Process for Debt in such Gaols as are not County Gaols, in consequence of their not receiving any Allowance ~~thereon~~ to subsist during the 'Time of such Confinement:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any one Justice of the Peace acting for the County, Riding or Division wherein any Gaol (which is not a County Gaol) is situated, to order the Overseers of the Poor of the Parish, Township or Place wherein any such Gaol (which is not a County Gaol) shall be situated, to relieve any poor Person who shall be confined in such Gaol under Mesne Process for Debt, and who shall appear to such Justice to be unable to support himself or herself, and who shall have applied for Relief to such Overseers as aforesaid. No. 27.  
57 George III  
c. 162.

Justice to or-  
der Parochial  
Relief to Debt-  
ors in Gaol, not  
County Gaols.

II Provided always, and be it further enacted, That the Sum to be given for the Relief of any such poor Person shall not exceed Six pence *per Diem*, during the Time of his or her Confinement in such Gaol under Mesne Process for Debt. Sum limited.

III. And be it further enacted, That the Overseers of the Poor of any such Parish, Township or Place to whom any such Application for Relief shall be made as aforesaid, if they shall doubt whether such poor Person is legally settled in such Parish, Township or Place, shall cause him or her to be examined upon Oath before one or more Justice or Justices of the Peace, touching his or her last legal Settlement, upon which Examination it shall be lawful for Justices to make an Order for the Removal of such poor Person to the Place of his last legal Settlement, and to suspend the Execution of such Order of Removal during the Time of such Person being confined in Legal Settle-  
ment of Debtor  
ascertained.

Order of Re-  
moval suspended

No. 27. such Gaol under such Mesne Process, which Suspension of the  
 52 George III. same shall be indorsed on the said Order, and signed by such  
 c. 160. Justices, and the subsequent Permission to execute the same  
 shall be also indorsed on the said Order, and signed by such  
 ed while Debtor Justices, or by any other Two Justices of the Peace acting for  
 imprisoned. the same County, Riding or Division.

Served on IV. Provided always, and be it enacted, That a Copy  
 Overseers of the of the Order of Removal, and of the Order for suspending the  
 Poor of Parish. Execution of the same as aforesaid, as shall, soon as may be after  
 the making thereof respectively, be served upon the Overseers  
 of the Poor of the Parish, Township or Place in which such  
 poor Person shall by such Order of Removal be adjudged  
 to be legally settled.

Overseers to V. And be it further enacted, That although such poor Person  
 repay Expence shall not have been actually removed in pursuance of such Order  
 attending Pau- of Removal as aforesaid, it shall be lawful for any Justice of the  
 per. Peace to direct the Overseers of the Poor of the Parish, Town-  
 ship or Place in which such Pauper is adjudged to be settled, to  
 repay to the Overseers of the Poor of the Parish, Township or  
 Place wherein such Gaol shall be situated, all the Charges proved  
 upon Oath of any such Overseers of the Parish, Township or  
 Place where the Gaol is situated, to have been incurred in  
 granting Relief to such Pauper during the Time of his Con-  
 finement and the Suspension of such Order, not exceeding six  
 Pence *per Diem*; and if the Overseers of the Parish, Township  
 or Place to which such Order of Removal shall be made, or any  
 of either of them, shall refuse or neglect to pay any such Sum  
 so advanced as aforesaid within twenty-one Days after Demand  
 thereof, and shall not within the same Time give Notice of  
 Appeal as hereinafter mentioned, it shall be lawful for one  
 Justice of the Peace, by Warrant under his Hand and Seal, to  
 cause the Money so directed to be paid as aforesaid to be levied  
 by Distress and Sale of the Goods and Chattels of the Person or  
 Persons so refusing or neglecting to pay the same, and also such  
 Costs attending the same, not exceeding forty Shillings, as such  
 Justice shall direct; and if the Parish, Township, or Place to which  
 the Removal was ordered to be made, be without the Juris-  
 diction of the Justice of Peace issuing the Warrant, then such  
 Warrant shall be transmitted to any Justice of the Peace having  
 Jurisdiction within such Parish, Township or Place as aforesaid,  
 who upon Receipt thereof is hereby authorized and required to  
 indorse the same for Execution: Provided nevertheless, that if  
 the Sum so ordered to be paid on account of such Costs and  
 Charges exceed the Sum of five Pounds, the Party or Parties  
 aggrieved by such Order may appeal to the next General  
 Quarter Sessions for the County, Riding or Division in which  
 such Gaol is situated, against the same, as they may do against  
 an Order for the Removal of poor Persons by any Law now in  
 being, and if the Court of Quarter Sessions shall be of Op-  
 inion that the Sum so awarded be more than of Right ought to  
 have been directed to be paid, such Court may and is hereby  
 directed to strike out the Sum contained in the said Order, and

In case of  
 Refusal, Money  
 advanced levied  
 by Distress.

Appeal.

insert the Sum which in the Judgment of the said Court ought to be paid, and in every such Case the said Court of Quarter-  
Sessions shall direct that the said Order so amended shall be carried into Execution by the said Justices by whom the Order was originally made, or either of them, by such other Justice or Justices as the said Court shall direct.

No. 27.  
George III.  
c. 160.

VI. Provided always, and be it further enacted, That it shall be lawful for the Overseers of the Poor of the Parish, Township or Place wherein such poor Person shall, by such Order of Removal, be adjudged to be legally settled, to appeal against such Order to the next General Quarter Sessions of the Peace for the County, Riding or Division in which such Gaol is situated, holden after the Service of the Copy of such Order of Removal, in case such Copy shall have been served upon such Overseers Twenty-one Days before the holding of such Quarter Sessions, but in case the same shall not be served Twenty-one Days before the holding of such next General Quarter Sessions, then the Appeal may be to the next succeeding General Quarter Sessions holden for the said County, Riding or Division, and upon such Appeal the like Proceedings may be had as are observed in other Cases of Appeals against Orders of Removal of poor Persons by any Law now in being: Provided always, that in case such Order of Removal and Suspension is not appealed against in manner aforesaid, or if upon Appeal such Order shall be confirmed, such poor Person shall be deemed and taken to be legally settled in the Parish, Township or Place in which he shall by such Order of Removal be adjudged to be legally settled.

Appeal.

Proviso,

VII. And be it further enacted, That in case any poor Person applying for Relief under the Provisions of this Act shall, upon his Examination as to his last legal Settlement, be found not to be legally settled in any Parish, Township or Place within *England and Wales*, it shall be lawful for any one Justice of the Peace to order the Overseers of the Poor of the Parish, Township or Place wherein the Gaol is situated (in which such poor Person shall be confined under Mesne Process for Debt) to relieve such poor Person with a Sum not exceeding Six pence *per Diem* out of the Funds in their Hands applicable to the Relief of the Poor, which Sum shall be re-imbursed to the Overseers of the Poor of the said Parish, Township or Place, for the Use of such Funds, out of the County Rate, by the Treasurer of the County, Riding or Division in which such Parish, Township or Place shall be situated, at the Expiration of the Confinement of such poor Person upon such Mesne Process as aforesaid.

In case Pauper no legal Settlement in England or Wales, Allowance paid out of County Rate.



## No. 28.

55 George III. c. 48. — An Act for enlarging the Powers of two Acts of his present Majesty, for providing Clergymen to officiate in Gaols and Houses of Correction within *England and Wales*.—[12th. May 1815.]

No. 28.

55 George III.  
c. 48.

15 G. 3. c. 58.

22 G. 3. c. 64.

Quarter-Ses-  
sions may  
increase the Sal-  
aries of Clergy-

WHEREAS by an Act passed in the thirteenth Year of the Reign of his present Majesty, intituled, "An Act for providing Clergymen to officiate in Gaols, within that Part of *Great Britain*, called *England*," the Justices of the Peace, or the major Part of them, assembled at the Quarter Sessions held for any County, Riding, or Division, within that Part of *Great Britain*, called *England*, and the Principality of *Wales*, are authorized and empowered to settle and ascertain how many Clergymen should by them be deemed necessary to be employed in performing religious Duties, according to the Rites of the Church of *England*, in the several Gaols within their respective Jurisdictions, and to settle and ascertain what Duty should be performed, and what Salary should be paid to every such Clergyman, not exceeding fifty Pounds yearly and every Year: And whereas by the Appointment of Clergymen to officiate under the Provisions of the said Act, the beneficial Purposes before mentioned have been carried into Execution in many Counties within *England and Wales*: And whereas, on account of the unremitting Attention which such Clergymen are required to give in the Discharge of their Duty, it is expedient that the Salaries allowed by the Justices should be increased: And whereas by another Act passed in the twenty-second Year of the Reign of his present Majesty, intituled, "An Act for amending and rendering more effectual the Laws in Being relative to Houses of Correction," it is enacted, that the Justices of the Peace at their General Quarter Sessions may, if they think fit, appoint a Minister of the Church of *England*, residing in or near the Place where every such House of Correction shall be situate, to perform Divine Service there every Sunday: And whereas it is expedient, for the Reformation and Amendment of Persons who may be confined in such Houses of Correction, that greater and more frequent Attention should be paid to their Moral and Religious Instruction than is provided for by the said Act: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of June one thousand eight hundred and fifteen, it shall and may be lawful to and for the Justices of the Peace, or the major Part of them, assembled at the Quarter Sessions to be holden for any County, Riding, or Division, within that Part of the

United Kingdom called *England*, and the Principality of *Wales*, No. 23.  
and at the Annual General Session in the County Palatine 55 George III.  
of *Lancaster*, and they are hereby authorized and empowered, c 48  
to increase the Salaries granted by the said first recited Act, men officiating  
to be paid to the Clergymen therein mentioned, to any Sum in Gaols.  
not exceeding one hundred Pounds, yearly and every Year,  
under the Regulations and Provisions contained in the said  
recited Act

II. And be it enacted by the Authority aforesaid, That Provisions of  
all the Provisions of the said recited Act of the thirteenth Year 13 G. 3 c 58.  
of his present Majesty's Reign, intituled, "An Act for provid- applicable to  
ing Clergymen to officiate in Gaols within that Part of *Great Houses of Cor-*  
*Britain* called *England*," shall be applicable to Houses of Cor- rection.  
rection, in as full and ample a Manner as if they had been  
specifically named therein; Provided always nevertheless,  
that no Salary to be assigned to any Clergyman for officiating  
in any such House of Correction shall exceed fifty Pounds  
a Year.

III. Provided always, and be it further enacted, That Clergymen to  
every Clergyman who shall be employed with a Salary under keep a Journal.  
this Act, or either of the Acts above recited, in order to en-  
title himself to receive the same, shall keep a Journal in a  
Book to be provided for that Purpose, in the Gaol or House of  
Correction in which he shall be so employed, in which Journal  
he shall enter the Times of his Attendance at such Gaol or  
House of Correction on the Performance of his Duty, with any  
Observations which may occur to him in the Execution thereof;  
and such Journal shall regularly be laid before the Justices of  
the Peace having Jurisdiction over the said Gaol or House of  
Correction, for their Inspection at every Quarter Sessions at  
which such Justices shall be assembled, and shall be signed by  
the Chairman of the said Sessions, in Proof of the same hav-  
ing been there produced.

IV. And be it further enacted, That the said Justices  
of the Peace, or the major Part of them, so assembled at their  
General Quarter Sessions, may, if they should see fit, unite  
the Offices of Clergymen to Gaols and Houses of Correction, Offices of Cler-  
by appointing one Clergyman to the Performance of the Reli- gymen to Gaols  
gious Duties of both: Provided always, that the Amount to be and Houses of  
paid out of the County Rates or other public Money shall not in Correction may  
such Case exceed the Sum of one hundred and twenty Pounds. be united.

V. Provided always, and be it further enacted, That from Clergymen to  
and after the said twenty-fourth Day of June, one thousand have a Licence  
eight hundred and fifteen, no Clergyman who shall be appoint- from the Bishop  
ed to officiate in any Gaol or House of Correction under the of the Diocese.  
Authority of the said Acts or of this Act, shall so officiate  
until he shall have obtained a Licence for that Purpose from  
the Bishop of the Diocese wherein such Gaol or House of  
Correction shall be situate, and during so long Time only as  
such Licence shall remain in force; and when any Clergyman  
shall be so appointed, the Clerk of the Peace for the County,  
Riding, or Division, wherein any such Appointment shall be

No. 28. made, shall, within one Month after such Appointment shall  
 55 George III. have been made, transmit a Copy thereof to the Bishop of such  
 c. 48. Diocese.

## No. 29.

55 George III. c. 50.—An Act for the Abolition of  
 Gaol and other Fees, connected with the Gaols in  
*England*.—[12th May 1815.]

No. 29. **W**HEREAS it is expedient; for the better Government of  
 55 George III. Gaols and Bridewells in *England*, that all Fees and  
 c. 50. Gratuities payable at the same, for the Entrance, Commitment,  
 or Discharge of any Prisoner, should be abolished; be it there-  
 fore enacted by the King's most excellent Majesty, by and  
 with the Advice and Consent of the Lords Spiritual and Tem-  
 poral, and Commons, in this present Parliament assembled,  
 and by the Authority of the same, That from and after the  
 first Day of *October* next, all Fees and Gratuities paid or pay-  
 able by any Prisoner, on the Entrance, Commitment, or Dis-  
 charge, to or from Prison, shall absolutely cease, and the same  
 are hereby abolished and determined.

All Fees and  
 Gratuities pay-  
 able at Gaols  
 and Bridewells  
 shall be abolish-  
 ed.

Quarter Ses-  
 sions to make  
 Allowances to  
 Gaolers, &c.

II. And whereas in some Places such Fees and Gratuities  
 as aforesaid are payable to the Gaoler or his Servants, and are  
 to him or them as a Salary; be it enacted, That it may be  
 lawful for the Justices of the Peace for any County, City, or  
 Town, assembled in General or Quarter Sessions, to make  
 such Allowances to the aforesaid Gaoler or Servants, as may  
 to them seem fit, in the Way of Salary or Compensation, for  
 the Fees or Gratuities payable by Prisoners, now abolished  
 by this Act.

III. And be it enacted, That the said Justices of the  
 Peace for any County, City, or Town, may direct the said  
 Allowances to be paid out of any County Rate, City Rate, or  
 Town Rate, now by Law authorized to be made and levied.

Allowances to  
 be paid out of  
 the County  
 Rates, &c.

Every Priso-  
 ner charged  
 with Felony or  
 Misdemeanor,  
 and acquitted, to  
 be discharged  
 without Pay-  
 ment of any  
 Fee, &c.

IV. And whereas it is customary for Clerks of the Assize,  
 Clerks of the Peace, Clerks of the Court, or their Deputies,  
 or other Officers in the Courts of Assize or Session, to demand  
 and take from Persons indicted, divers Sums in the Way of  
 Fees; be it enacted, that every Prisoner who now is or here-  
 after shall be charged with or indicted for any Felony, or  
 as an Accessary thereto, or with or for any Misdemeanor, be-  
 fore any Court holding Criminal Jurisdiction within that Part  
 of the United Kingdom of *Great Britain and Ireland* called  
*England*, against whom no Bill of Indictment shall be found  
 by the Grand Jury, or who, on his, her, or their Trial, shall  
 be acquitted, or who shall be discharged by Proclamation for  
 Want of Prosecution, shall be immediately set at large, with-  
 out Payment of any Fee or Sum of Money, for or in respect  
 of his, her, or their Discharge, to any Person or Persons  
 whomsoever; except only in such Cases wherein the Prisoner

shall have been charged, and shall then stand charged with any Process authorizing the Detention of such Prisoner: Provided always, that if it shall happen that any Prisoner who shall so stand charged with any Process authorizing his Detention as aforesaid, shall have been discharged in supposed Obedience to this Act, by reason that the Sheriff or other Officer entitled to have detained him was at the Time of such his Discharge ignorant that there was any such Charge against him, it shall in such Case be lawful for such Sheriff or other Officer, on receiving Information of such Charge, presently to retake the Prisoner so discharged as aforesaid, and thereupon forthwith to detain him in Custody upon such Charge, in such Manner as the said Sheriff or other Officer might have done if such Prisoner had not been set at large; and that upon his being so retaken, the said Prisoner shall be deemed, for the Purpose of that Suit, to have been in Custody continually from the Time when he so first stood charged as aforesaid.

No. 29.  
George III.  
c. 50.

V. And be it enacted by the Authority aforesaid, That all such Fees as have been usually paid or payable to the several Clerks of Assize and Clerks of the Peace, Clerks of the Court, or their Deputies, in that Part of the United Kingdom of Great Britain and Ireland called England, in any of the Cases aforesaid, shall absolutely cease, and the same are hereby abolished and determined; and from and after the passing of this Act, no Clerk of Assize, Clerk of the Peace, Clerk of the Court, or their Deputies, shall ask, demand, take, or receive any Sum or Sums of Money, from any of the said Prisoners as Fees, for or in respect of his, her, or their Discharge.

All Fees usually paid to Clerks of the Court, Assize, &c. to be abolished.

VI. And be it enacted by the Authority aforesaid, That in lieu and Satisfaction of such lawful Fees so abolished as aforesaid, the Treasurers or other proper Officers of the several Counties in England, or of such Districts, Hundreds, Ridings, or Divisions of a County as are not usually assessed to the County at large, and of such Cities, Towns Corporate, Cinque Ports, Liberties, Franchises, and Places, as do not pay to the Rates of the several Counties in which they are respectively situated, shall, on receiving a Certificate signed by one or more Judge or Justice of the Peace, before whom such Prisoner shall have been discharged as aforesaid, (which Certificate the Judge or Justice is hereby required to give) pay out of the Rates of such County, or of such District, Hundred, Riding, or Division, or out of the publick Stock of such City, Town Corporate, Cinque Port, Liberty, Franchise, or Place, such lawful Sum as has been usually paid upon that Occasion, for every Prisoner discharged as aforesaid, to such Clerk of Assize, Clerk of the Peace, or Clerk of the Court, or their respective Deputies; which several Sums so paid in pursuance of this Act shall be respectively allowed to the said Treasurer and Officers, by the Justice before whom their Accounts shall be passed.

County Treasurers to pay Allowances for Places not usually assessed to the County at large.

VII. And be it enacted, That each and every Clerk of the Peace, or his or their Deputy or Deputies, and all and every Officer who shall claim any Fees or Indemnification for

Indemnification for Fees to Clerks of the Peace.

No 29. the same, by virtue of any of the Provisions herein before  
 35 George III. contained for and in respect of any such Prisoners, shall deli-  
 c. 50. ver at each and every Session of the Peace, or at some  
 Adjournment thereof, an Account of all Fees so due to him, or  
 for which he shall claim any Indemnification; which Account  
 shall be verified upon Oath in Court, before the Chairman of  
 such Sessions.

Clerks of As-  
 size to deliver  
 an Account of  
 Fees.

VIII. And be it further enacted, That the Clerks of  
 Assize shall, at each and every Assize to be holden, deliver in  
 to the Judge of the Assize who shall sit for the Trial of such  
 Prisoners, an Account of such Fees as shall be due to him, for  
 and in respect of such Prisoners; which Account shall be veri-  
 fied upon Oath before such Judge to whom such Account shall  
 be delivered.

Punishment  
 of Officers for  
 exacting Fees in  
 future.

IX. And be it enacted, That from and after the passing of  
 this Act, any Clerk of Assize, Clerk of the Peace, Clerk of  
 the Court, or their Deputies or other Officers, exacting such  
 Fees, shall be rendered incapable of holding his or their  
 Offices, and be guilty of a Misdemeanor.

Liberates to  
 Debtors to be  
 granted free of  
 Expence, and  
 Compensation  
 made to Sheriffs  
 for the same.

X. And whereas it has been customary in some Places for  
 the Sheriff or Under Sheriff to demand, for the Liberate  
 granted to any Debtor on his Discharge, a Fee or Gratuity; be  
 it enacted, That such Liberate shall be granted to such Debtor  
 free of all Expences; and that it shall be in the Power of the  
 Justices of the Peace for each County, City, or Town, assem-  
 bled in Quarter Session, subject however to the Approbation of  
 the Judges of Assize, to make such Compensation to the She-  
 riff or Under Sheriff, out of the County, City, or Town Rate,  
 as shall to them seem fit.

How Allow-  
 ances shall be  
 raised for Places  
 which do not  
 contribute to  
 County Rates.

XI. And whereas there are several Cities, Towns Corpo-  
 rate, and Places within this Kingdom, which do not contribute  
 to the Payment of any County Rate, and have no Town Rate  
 or Public Stock; and Doubts may arise whether such Cities,  
 Towns Corporate and Places can be legally rated and assessed  
 towards the Payment of the Salaries, Allowances and Com-  
 pensations, in lieu of such Fees and Gratuities; be it enacted,  
 That in all such Cases the Salaries, Allowances, and Compen-  
 sations, in lieu of Fees and Gratuities herein before directed  
 to be made, shall be raised, levied, collected, and paid, within  
 such Cities, Towns Corporate, and Places, by a separate Rate  
 and Assessment to be made by the Churchwardens and Over-  
 seers of the Poor of the several Parishes and Precincts within  
 such Cities, Towns Corporate and Places, and by such and  
 the like Ways, Methods, and Means as the Rates for the Re-  
 lief of the Poor are, can, or may be raised, levied, and col-  
 lected in such Cities, Towns Corporate and Places.

Allowances to  
 certain Places  
 to be paid out of  
 the Poor's  
 Rates.

XII. And whereas it may happen that the Sums of Money  
 to be raised in the said Cities, Towns Corporate, and Places,  
 or some or one of them, to answer and pay such Salaries,  
 Allowances, and Compensations herein before directed to be  
 made, in lieu of Fees and Gratuities by this Act abolished,  
 may be so small, that it may not be convenient to make an

equal separate Rate and Assessment for the same, upon the said Parishes and Precincts within such Cities, Towns Corporate and Places; be it enacted, That in such last-mentioned Case, and when and as often as the same shall happen, the Salaries, Allowances, and Compensations shall and may, by Order of the said Judge or Judges, or Justices in Sessions assembled as aforesaid, be paid out of the Monies from Time to Time raised for the Relief of the Poor in the said several Cities, Towns Corporate, and Places; and the Treasurers or Persons from Time to Time having the Management of the said Monies raised for the Relief of the Poor in the same Cities, Towns Corporate, and Places respectively, are hereby authorized and required to pay the said Sums of Money so ordered to be paid by the said Judge or Judges, or Justices, of the said last-mentioned Monies, when and as often as the same shall be so ordered: Provided always, that the Order for such Allowances as may be made by the Justices of the Peace assembled in General or Quarter Sessions, be approved by the Judge or Judges of Assize, on the first Circuit ensuing after such Warrant shall have been made out by the Justices of Peace assembled in General or Quarter Session for any County, City, or Town, and that such Order shall not be deemed or taken as a legal Order without such Warrant from the Judge or Judges of Assize: Provided always, that should there be more Parishes than one in the same District, the Payments are to be made and levied in such Rates and Proportions as the respective Parishes pay to the Poor Rate.

XIII. And be it enacted, That any Gaoler who shall, from and after the first Day of October next, exact from any Prisoner any Fee or Gratuity, for or on Account of the Entrance, Commitment, or Discharge of such Prisoner, or who shall detain any Prisoner in Custody for Non-payment of any Fee or Gratuity, shall be rendered incapable of holding his Office, be guilty of a Misdemeanor, and be punished by Fine and Imprisonment.

XIV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to extend to the King's Bench Prison, his Majesty's Prison of the Fleet, the Marshalsea and Palace Courts.

XV. Provided always, and be it enacted, that this Act may be altered, amended, or repealed within this present Session of Parliament.

No. 29.  
George III.  
c. 50.

Punishment  
of Gaolers for  
exactng any  
Fee or Gratuity  
from Prisoners

Not to extend  
to certain Gaols.

Act may be  
altered this Ses-  
sion.

## PART VI. CLASS XXII.

## HIGHWAYS.

## No. 1.

13 George III. c. 78.—An Act to explain, amend, and reduce into one Act of Parliament, the Statutes now in being, for the Amendment and Preservation of the Public Highways within that Part of *Great Britain* called *England*, and for other Purposes.

No. 1.  
13 George III.  
c. 78.

On Sept. 22,  
yearly, a List is  
to be made of at  
least ten Per-  
sons, by Con-  
stables, &c.

Qualification  
of Surveyors.

‘WHEREAS the Laws now in being for the Amendment and Preservation of the Highways of that Part of *Great Britain* called *England* require some Explanation and Amendment;’ may it therefore please your Majesty that it may be enacted; and be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from henceforth, upon the twenty-second Day of *September* in every Year, unless that Day shall be *Sunday*, and then on the Day following, the Constables, *Headboroughs*, Tythingmen, Churchwardens, Surveyor of the Highways, and Household-ers, being assessed to any Parochial or Public Rate of every Parish, Township, or Place, shall assemble together at the Church or Chapel of such Parish, Township, or Place, or if there shall be no Church or Chapel, then at the usual Place of public Meetings, for such Parish, Township, or Place, at the Hour of Eleven in the Forenoon: And the major Part of them so assembled shall make a List of the Names of at least ten Persons living within such respective Parishes, Townships, or Places, who each of them have an Estate in Lands, Tenements, or Hereditaments, lying within such respective Parish, Township, or Place, in their own Right, or in the Right of their Wives, of the Value of ten Pounds by the Year; or a personal Estate of the Value of one hundred Pounds; or are Occupiers or Tenants of Houses, Lands, Tenements, or Hereditaments of the yearly Value of thirty Pounds: And if there shall not be ten Persons having such Qualifications as afore-said, then they shall insert in such List the Names of so many of such Persons as are so qualified, as above required, together with the Names of so many of the most sufficient and able Inhabitants of such Parish, Township, or Place, not so qualified, as shall make up the Number ten, if so many can be

found; if not, so many as shall be there resident, to serve the Office of Surveyor of the Highways: And the Constable, Headborough, or Tythingman, of such Parish, Township, or Place, shall, within three Days after such Meeting, transmit a Duplicate of such List to one of the Justices of the Peace within the Limit of the County, Riding, Division, Hundred, City, Corporation, Precinct, or Liberty, where such Parish, Township, or Place, shall lie, living in or near the same; and shall also return and deliver the original List, made and agreed upon at such Meeting, to the Justices of the Peace, at their Special Sessions to be held for the Highways within that Limit, in the Week next after the Michaelmas General Quarter Sessions of the Peace, (1.) in every Year; and shall also, within three Days after making the said List, give personal Notices to, or cause Notices in Writing to be left at the Places of Abode of the several Persons contained in such List, informing them of their being so named, to the Intent that they may severally appear before the Justices at the said Special Sessions to accept such Office, if they shall be appointed thereto, or to shew Cause, if they have any, against their being appointed: And the said Justices are hereby authorised and required to hold such Special Sessions at such convenient Place or Places within their respective Limits, as they in their Discretion shall judge proper; and to give Notice of the Time and Place where they intend to hold the same to the Constables, Headboroughs, or Tythingmen, of every such Parish, Township, or Place, at least ten Days before the holding of the said Session; and the said Justices, then and there, from the said Lists, according to their Discretion, and the Largeness of the Parish, Township, or Place respectively, by Warrant under their Hands and Seals, shall appoint one, two, or more of such Persons, as aforesaid, if he or they shall, in the Opinion of such Justices, be qualified for the Office of Surveyor, (2.) if not, one, two, or more of the other substantial Inhabitants or Occupiers of Lands, Tenements, Woods, Tithes, or Hereditaments, within such Parish, Township, or Place, living within three Miles thereof, and within the same County, fit and proper to serve the Office of Surveyor of the Highways for such Parish, Township, or Place, if any such can be found; which Appointment shall, by the Constables, Headboroughs, or Tythingmen, aforesaid, be notified to every Person so appointed by the said Justices, within three Days after such Appointment, by serving him with the said Warrant, or by leaving the same, or a true Copy thereof, at his House, or usual Place of Abode; and every Person so appointed, if he accepts the said Office, shall be Surveyor of the Highways

No. 1.  
George III.  
c. 78.

Duplicate List shall be transmitted to one of the Justices, and original List to the Special Sessions, by the Constable, &c.

Notice.

Justices are to give ten Days' Notice of holding Special Sessions, &c.

and may appoint from the Lists such Number of Surveyors as they shall judge fit, &c.

The Surveyor shall hold his Office for one Year.

(1.) If the Justices make no Appointment at the Sessions here directed, they may do afterwards; and may be compelled thereto by Mandamus. R. v. Justices of Denbighshire, 4 E. 142.

(2.) The Lists are only for the Purpose of assisting the Magistrates, and they may, at their Discretion, appoint other Persons not named therein. R. v. Baldwin, 7 T. R. 169.



No. 1.  
13 George III.  
c. 78.

Justices to  
give a Charge  
for Performance  
of Duty.

Persons refus-  
ing to serve for-  
feit 5l &c.

Not to be again  
appointed for  
the same Place  
within three  
Years after.

If no List  
made, or Per-  
son appointed  
refuses to serve,  
another may be  
appointed, and  
Salary fixed,  
&c.

Constables, &c.  
to return an Ac-  
count which the  
Assessment of  
6d. per Pound  
will raise.

for the said Parish, Township, or Place, for the Year ensuing, and shall take upon him and duly execute the Office aforesaid; and the said Justices shall then and there give such of the said Surveyors as shall personally appear before them a Charge, for the better Performance of their Duty, according to the Directions of this Act: And if any of the said Persons, so appointed, whose Names were contained in such List, and who were served with the said Notice, shall refuse or neglect to appear at the said Special Sessions, and accept the said Office, if appointed thereto, in Manner aforesaid, or shall not, within six Days after being served with such Warrant of Appointment, signify his Acceptance thereof, either in Person, or by Writing, to one of the said Justices, he shall forfeit the Sum of five Pounds; and in case any Person so appointed by the said Justices, whose Name was not contained in such List, shall refuse or neglect to accept the said Office, or shall not, within six Days after being served with such Appointment, shew to one of the Justices signing such Appointment, sufficient Cause why he should not serve such Office, he shall forfeit the Sum of fifty Shillings: Provided that no Person who hath been appointed and served the Office of Surveyor for one Year, shall be liable to be appointed Surveyor for the same Parish, Township, or Place, within three Years from the Time of such first Appointment and Service, unless he shall consent thereto; but if no such List shall be made and returned, or if the said Justices shall make such Appointment, as aforesaid, and the Person or Persons so appointed shall refuse to serve the said Office, the said Justices, or any two of them, shall and may, and are hereby required, at the said Special Sessions, or at some subsequent Special Sessions, to be held within one Month after, to nominate and appoint some other Person or Persons to be Surveyor of such Parish, Township, or Place, whom they shall judge proper to execute that Office, and shall and may fix such Salary to be paid to such Surveyor, to be appointed as herein last before mentioned, out of the said Forfeitures, and all other Forfeitures, Fines, Penalties, Assessments and Compositions, to be paid, levied, and raised under the Authority of this Act, within such Parish, Township, or Place respectively, as such Justices shall think fit, not exceeding one-eighth Part of what shall have been raised by an Assessment of six Pence in the Pound, for the Use of the Highways within such Parish, Township or Place, where any such Assessment shall have been raised, and observing the same Restriction as near as they can, from the best Information they shall be able to get of the probable Amount of such an Assessment where none hath been already made; and the said Justices shall and may, if they think fit, require the Constables, Headboroughs, Tythingmen, and Surveyor of every such Parish, Township, and Place, or any of them, to return to them, at such Time and Place as they shall appoint, an Account, in Writing, of the Sum which such Assessment of six Pence in the Pound hath raised, or will, in his or their Opinion, raise within such Parish, Township,

or Place: And if the Constables, Headboroughs, Tythingmen, Churchwardens, Surveyors of the Highways, and such House-<sup>13</sup> holders as aforesaid, of any Parish, Township, or Place, shall neglect or refuse to make such List as aforesaid; or if the Constable, Headborough, or Tythingman, of any Parish, Township, or Place, shall not return the said List of Names when made, and such Duplicate thereof as aforesaid, and give such Notice or Notices, and serve such Warrant or Warrants, as in this Act is directed; or if the said Constable, Headborough, Tythingman, and Surveyor, or any of them, shall neglect to return such Account of the Amount of such Assessment as aforesaid, when so required as aforesaid, every Constable, Headborough, Tythingman, Churchwarden, or Surveyor, so neglecting or refusing in any of the said Cases, shall, for every such Default respectively, forfeit the Sum of forty Shillings.

No. 1.  
George III.  
c. 78.

II. And be it further enacted, That in all Cases where the said Justices, upon Neglect or Refusal of the Person so nominated Surveyor as aforesaid, to accept the said Office, shall appoint any other Person for such Surveyor, with a Salary as aforesaid, the said Justices shall, and are hereby required to appoint one substantial Inhabitant of such Parish, Township, or Place, for Assistant to such Surveyor in the several Matters, and for the several Purposes hereafter mentioned, until the next annual Appointment of Surveyors, according to the Directions of this Act; and if the Person so appointed Assistant shall, upon Notice of such Appointment, refuse to accept that Office, he shall forfeit the Sum of fifty Shillings: And in that Case it shall and may be lawful for such Justices to appoint any other substantial Inhabitant of such Parish, Township, or Place, for Assistant to such Surveyor, in Manner and for the Time aforesaid; and if such second appointed Assistant shall decline or refuse to accept the said Office, he shall, in like Manner, forfeit the Sum of fifty Shillings; and the said Justices shall and may appoint any other Person, inhabiting in such Parish, Township, or Place, Assistant to such Surveyor, who shall be intitled to the said Forfeitures herein last before mentioned, and also to some further Allowance, by Way of Salary, (to be paid as the Surveyor's Salary is hereby directed to be paid), if the said Justices shall think any such Salary necessary, and shall order the same, which they are hereby authorized to do: Provided that no Person so appointed Assistant for one Year, shall be liable to be appointed Assistant for the same Parish, Township, or Place, within three Years next following such first Appointment, without his Consent.

Where the Justices, upon such Refusal, shall appoint another Person, they are to appoint one substantial Inhabitant for his Assistant, &c.

III. And be it further enacted, That the Surveyor of every Parish, Township, and Place, who shall not reside therein, but shall be appointed with such Salary as aforesaid, shall, if required by the Churchwarden, Overseer of the Poor, or any principal Inhabitant of the Parish, Township, or Place, for which he shall be so appointed Surveyor, at the Time of his Appointment, or within fourteen Days after, give a Bond upon Paper, without Stamp thereupon, to some proper Person

Bond to be given by the Surveyor.

No. 1. within such Parish, Township, or Place, to be nominated by  
 13 George III. the said Justices, with sufficient Surety, to account for the  
 c. 78. Money which shall come to his Hands as Surveyor, according to the Directions of this Act; which Bond shall be good and effectual in Law.

Duty of As-  
 sistant Sur-  
 veyor.

IV. And be it further enacted, That the Assistant, so to be nominated and appointed, shall, and is hereby required, to the best of his Skill and Judgement, to assist the said Surveyor, whenever requested by him, in calling in and attending the Performance of the Statute Duty; in collecting the Compositions, Fines, Penalties, and Forfeitures; in making and collecting the Assessments; in making out and serving the Notices authorised by this Act; and in such other Matters and Things as shall be reasonably required of him by the Surveyor, in the Execution of his Office as Surveyor, pursuant to this Act: And the said Assistant shall justly and truly account with, and pay to, the said Surveyor, or to his Order, from Time to Time, according to the Directions of this Act, all the Money which shall come to his Hands as Assistant, by the Means aforesaid; and, in Default thereof, he shall forfeit double the Value of the Money by him so received, and not so paid and accounted for; and if the said Assistant shall wilfully neglect or make Default in the Performance of any of the Duty required from him by this Act, he shall forfeit for every such Offence any Sum not exceeding five Pounds, nor less than forty Shillings, at the Discretion of the Justice or Justices of the Limit within which such Assistant shall be appointed: And the said Surveyor shall, and is hereby required to send Orders, in Writing, upon the said Assistant, for the Payment of all Sums due to any Person or Persons, for Work or Materials, by virtue of this Act, which amount to forty Shillings, or upwards; and the said Surveyor shall not be responsible for any Sum or Sums of Money which shall be received by the said Assistant, and shall not be actually paid to such Surveyor, or to his Order, as aforesaid.

Forfeitures for  
 Neglect.

Surveyors to  
 send Orders up-  
 on the Assist-  
 ant for Pay-  
 ment, &c.

If two Parts  
 agree in the  
 Choice of Sur-  
 veyor and Sala-  
 ry, Justices may  
 appoint, &c.

V. Provided always, and be it further enacted, That if two Parts out of three of those so to be assembled in any such Parish, Township, or Place, for the Nomination of Surveyors, as aforesaid, shall agree in the Choice of any particular Person of Skill and Experience, to serve the said Office of Surveyor for such Parish, Township, or Place, and in the settling of a certain Salary for his Trouble therein, and shall return the Name of such Person, together with the List hereinbefore directed, to the Justices of the Peace at their said Sessions, to be held in the Week next after the *Michaelmas* Quarter Sessions; that then, and in every such Case, it shall and may be lawful for the said Justices, if they shall think proper, to appoint such Person to be Surveyor for such Parish, Township, or Place, and allow him the Salary mentioned in such Agreement, which shall be raised and paid in the same Manner as the Salary hereinbefore mentioned is directed to be raised and paid; and in case any Surveyor to be appointed

under the Authority of this Act shall die, or become incapable of executing that Office, before such next Special Sessions for 13 No. 1. George III. c. 78. appointing Surveyors, the said Justices, or any two of them, shall and may, at some Special Sessions, nominate and appoint such Person or Persons as they shall think proper, to execute the said Office, until such next Special Sessions for appointing Surveyors as aforesaid; and if such deceased Surveyor had a Salary, they may allow the same Salary to his Successor, in proportion to the Time he shall serve the said Office; and if the said Justices of the Peace, at their Special Sessions, or at any Time afterwards, pursuant to the Powers of this Act, shall appoint more than one Person for Surveyor of any Parish, Township, or Place, all and every Person or Persons so appointed, shall be comprehended under the Word *Surveyor* in every Part of this Act.

VI. And be it further enacted, that no Tree, Bush, or Shrub, shall be permitted to stand or grow, in any Highways, within the Distance of fifteen Feet from the Centre thereof (except for Ornament or Shelter to the House, Building, or Court-yard of the Owner thereof), or hereafter to be planted within the Distance aforesaid; but the same shall respectively be cut down, grubbed up, and carried away, by the Owner or Occupier of the Land or Soil where the same doth or shall stand or grow, within ten Days after Notice to him, her, or them, or his, her, or their Steward or Agent, given by the said Surveyors, or any of them, on Pain of forfeiting, for every Neglect, the Sum of ten Shillings.

No Tree to stand within 15 Feet of the Centre of the Highway.

VII. And be it further enacted, That the Possessors of the Land next adjoining to every Highway shall cut, prune, and plash their Hedges, and also cut down or prune and lop the Trees growing in or near such Hedges or other Fences (except those Trees planted for Ornament or Shelter, as aforesaid), in such Manner that the Highways shall not be prejudiced by the Shade thereof respectively, and that the Sun and Wind may not be excluded from such Highway to the Damage thereof; and that if such Possessor shall not, within ten Days after Notice given by the Surveyor for that Purpose, cut, prune, and plash, such Hedges, and cut down or prune and lop such Trees, in Manner aforesaid, it shall and may be lawful for the Surveyor, and he is hereby required, to make Complaint thereof to some Justice of the Peace of the Limit where such Highway shall be, who shall summon the Possessor of the said Lands to appear before the Justices at some Special Sessions for that Limit, to answer to the said Complaint; and if it shall appear to the Justices, at such Special Sessions, that such Possessor had not complied with the Requisites of this Act, it shall and may be lawful for the said Justices, upon hearing the Surveyor and Possessor of such Land, or his Agent (or in Default of his Appearance, upon having due Proof of the Service of such Summons), and considering the Circumstances of the Case, to order such Hedges to be cut, plashed, and pruned, and such Trees to be

Hedges, &c. adjoining, by whom and in what Manner to be cut.

No. 1. cut down, or pruned in such Manner, as may best answer the  
 13 George III. Purposes aforesaid; and if the Possessor of such Lands  
 c. 78, shall not obey such Order within ten Days after it shall have  
 been made, and he shall have had due Notice thereof,  
 he shall forfeit the Sum of two Shillings for every twenty-four  
 Feet in Length of such Hedge which shall be so neglected to  
 be cut and plashed, and the Sum of two Shillings for every  
 Tree which shall be so neglected to be cut down or pruned,  
 and lopped; and the Surveyor, in case of such Default made  
 by the Possessor, shall, and is hereby required to cut, prune,  
 and plash such Hedges, and to cut down or prune and lop such  
 Trees, in the Manner directed by such Order; and such Pos-  
 sessor shall be charged with, and pay, over and above the said  
 Penalties, the Charges and Expences of doing the same; or,  
 in Default thereof, such Charges and Expences shall be levied,  
 together with the said Forfeitures, upon his or her Goods and  
 Chattels by Warrant from a Justice of Peace, in such Manner  
 as is authorised for Forfeitures incurred by virtue of this  
 Act.

Occupiers shall  
 make sufficient  
 Ditches, &c.

VIII. And be it further enacted, That Ditches, Drains,  
 or Watercourses, of a sufficient Depth and Breadth, for the  
 keeping all Highways dry, and conveying the Water from the  
 same, shall be made, scoured, cleansed, and kept open, and  
 sufficient Trunks, Tunnels, Plats, or Bridges, shall be made  
 and laid where any Cartways, Horseways, or Footways, lead  
 out of the said Highways into the Lands or Grounds adjoining  
 thereto, by the Occupier or Occupiers of such Lands or  
 Grounds; and every Person or Persons who shall occupy any  
 Lands or Grounds adjoining to or lying near such Highway  
 through which the Water hath used to pass from the said High-  
 way, shall, and is hereby required, from Time to Time, as  
 often as Occasion shall be, to open, cleanse, and scour the  
 Ditches, Watercourses, or Drains, for such Water to pass  
 without Obstruction; and that every Person making Default in  
 any of the Matters or Things aforesaid, after ten Days'  
 Notice to him, her, or them given of the same, by the said  
 Surveyor, shall, for every such Offence, forfeit the Sum of ten  
 Shillings.

Persons laying  
 Stone, &c. in  
 any Highway,  
 &c. for every  
 Offence forfeit  
 10s.

IX. And be it further enacted, That if any Person or  
 Persons, shall lay, in any Highway, any Stone, Timber, Straw,  
 Dung, or other Matter, or in making, scouring, or cleansing  
 the Ditches or Watercourses, shall permit the Soil or Earth, dug  
 out of such Ditches, Drains, or Watercourses, to remain in  
 such Highway, in such Manner as to obstruct or prejudice the  
 same, for the Space of five Days after the Notice thereof  
 given by the Surveyor of the Highways; every Person or  
 Persons offending in any of the said Cases, shall, for every such  
 Offence, forfeit and pay the Sum of ten Shillings.

Stone, &c.  
 laid within 15  
 Feet of the Cen-  
 tre of the High-  
 way, and not  
 removed, &c.

X. And be it further enacted, That if any Stone or Tim-  
 ber, or any Hay, Straw, Stubble, or other Matter, for the  
 making of Manure, or on any other Pretence whatsoever, not  
 tolerated by this Act, shall be laid in any Highway, within the

Distance of fifteen Feet from the Centre thereof, and shall not, within five Days after Notice given by the Surveyor, or some Person aggrieved thereby, be removed, it shall and may be lawful for the Owner or Possessor of the Lands adjacent, or any other Person or Persons whomsoever, by Order from some Justice of Peace, to clear the said Highways, by removing the said Stone, Timber, Hay, Straw, Dung, or other Matter, and to have, take, and dispose of the same, to his and their own Use.

No. 1.  
George III.  
c. 78.

‘XI. And for preventing Obstructions in the said Highways,’ be it enacted, That if any Person shall wilfully set, place, or leave any Waggon, Cart, or other Carriage, or any Plough, or Instrument of Husbandry in any of the said Highways, (except only with respect to such Waggon, Cart, or Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of such Highway as conveniently may be), so as to interrupt or hinder the free Passage of any other Carriage, or of his Majesty’s Subjects; every Person so offending shall forfeit the Sum of ten Shillings for every such Offence.

Obstruction in  
the Highways.

XII. And be it further enacted, That the Surveyors of the Highways, to be appointed by virtue of this Act, shall, at all such Times and Seasons as they shall judge proper, view all the Common Highways, Trunks, Tunnels, Plats, Hedges, Ditches, Banks, Bridges, Causeways, and Pavements, within the Parish, Township, or Place, for which they shall be appointed Surveyors; and in case they shall observe any Nuisances, Incroachments, Obstructions, or Annoyances, made, committed, or permitted in, upon, or to the Prejudice of them, or any of them, contrary to the Directions of this Act, they shall, from Time to Time, as soon as conveniently may be, give, or cause to be given, to any Person or Persons, doing, committing, or permitting the same, personal Notice, or Notice in Writing, to be left at his, her, or their usual Place or Places of Abode, specifying the Particulars wherein such Nuisances, Defaults, Obstructions, or Annoyances consist; and if such Nuisances, Obstructions, or Annoyances shall not be removed, and the Ditches, Drains, Gutters, and Watercourses aforesaid effectually made, scoured, cleaned, and opened, and such Trunks, Tunnels, Plats, and Bridges made and laid, and such Hedges properly cut and pruned, within twenty Days after such Notice of the same respectively given as aforesaid, then the said Surveyors shall be, and they are hereby fully authorised and empowered, forthwith to remove such Nuisances, Obstructions, or Annoyances, and open, cleanse, and scour such Ditches, Gutters, and Watercourses, and make or amend such Trunks, Tunnels, Plats, or Bridges, and cut and prune such Hedges, for the Benefit and Improvement of the said Highways, to the best of their skill and Judgement, and according to the true Intent and Meaning of this Act; and the Person or Persons so neglecting to make, or open and cleanse such Ditches, Gutters, or Watercourses, or

Surveyor’s  
Duty on taking  
a View of High-  
ways, &c.

No. 1. to cut or prune such Hedges during the Time aforesaid, after  
 13 George III. such Notice given, shall forfeit, for every Foot in Length  
 c. 78. which shall be so neglected, the Sum of one Penny; and the said Surveyors shall be reimbursed what Charges and Expences they shall be at in removing such Nuisances, Obstructions, or Annoyances, and making or opening, cleansing, and scouring such Ditches, Gutters, and Watercourses, and in making or amending such Trunks, Tunnels, Plats, or Bridges, and in cutting and pruning such Hedges respectively, by the Person or Persons who ought to have done the same, over and above the said Forfeiture; and in case such Person or Persons shall, upon Demand, refuse or neglect to pay the said Surveyor his Charges and Expences occasioned thereby respectively, and also the said Forfeiture of one Penny per Foot, then the said Surveyor shall apply to any Justice of the Peace; and, upon making Oath before him of Notice being given to the Defaulter in Manner aforesaid, and of the said Work being done by such Surveyor, and of the Expences attending the same, the said Surveyor shall be repaid by such Person or Persons all such his said Charges as shall be allowed to be reasonable by the said Justice; or, in Default of Payment thereof on Demand, the same shall be levied in such Manner as the Penalties and Forfeitures hereby inflicted are directed to be levied.

Times of cutting Hedges, &c. in the Highways.

XIII. Provided nevertheless, That no Person or Persons shall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*; and that nothing herein contained shall extend, or be construed to oblige any Person or Persons to fell any Timber Trees growing in Hedges at any Time whatsoever, except where the Highways shall be ordered to be enlarged, as herein-after mentioned, or to cut down or grub up any Oak Trees growing within such Highway, or in such Hedges, except in the Months of *April*, *May*, or *June*, or any Ash, Elm, or other Trees, in any other Months than in the Months of *December*, *January*, *February*, or *March*.

Where old Ditches, &c. are insufficient, new ones may be made.

XIV. And be it further enacted, That where the Ditches, Gutters, or Watercourses, which have been usually made, or which are herein-before directed to be made, cleansed, and kept open, shall not be sufficient to carry off the Water which shall lie upon and annoy the Highways; that then, and in every such Case, it shall and may be lawful for the said Surveyors, by the Order of any one or more of the said Justices, to make new Ditches and Drains in and through the said Lands and Grounds adjoining or lying near to such Highways, or in and through any other Lands or Grounds, if it shall be necessary, for the more easy and effectually carrying off such Water from the said Highways, and also to keep such Ditches, Gutters or Watercourses scoured, cleansed, and opened; and the said Surveyors, and their Workmen, are hereby authorised to go upon the said Lands for the Purposes aforesaid: Provided, that the said Surveyors make proper Trunks, Tun-

nels, Plats, Bridges, or Arches, over such Ditches, Gutters, or Watercourses, where the same shall be necessary, for the convenient Use and Enjoyment of the Lands or Grounds through which the same shall be made, and, from Time to Time, keep the same in Repair; and do also make Satisfaction to the Owner or Occupier of such Lands which are not Waste or Common, for the Damages which he, she, or they shall sustain thereby; to be settled and paid in such Manner as the Damages for getting Materials in several or inclosed Lands or Grounds are hereafter directed to be settled and paid.

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13 George III.  
c. 78.

XV. And be it further enacted, That the said Surveyor of the Highway shall, and they are hereby required to make, support and maintain, or cause to be made, supported and maintained, every publick Cartway leading to any Market Town, twenty Feet wide at the least; and every publick Horseway or Driftway, eight Feet wide at the least, if the Ground between the Fences inclosing the same will admit thereof.

Cartways to  
Market Towns,  
and Horseways.

XVI. (3.) Provided always, and be it further enacted, That where it shall appear, upon the View of any two or more of the said Justices of the Peace, that the Ground or Soil of any (4.) Highway between the Fences thereof is not of sufficient Breadth, and may be conveniently widened and enlarged, or that the same cannot be conveniently enlarged, and made commodious for Travellers, without diverting and turning the same; such Justices shall, and they are hereby empowered, within their respective Jurisdictions, to order such Highway respectively to be widened and enlarged, or diverted and turned, in such Manner as they shall think fit, so that the said Highways, when enlarged and diverted, shall not exceed thirty Feet in Breadth; and that neither of the said Powers do extend to pull down any House or Building, or to take away the Ground of any Garden, Park, Paddock, Court, or Yard; and for the Satisfaction of the Person or Persons, Bodies Politick or Corporate, who are seised or possessed of or interested in their own Right, or in Trust for any other Person or Persons, in the said Ground that shall be laid into the said Highways respectively, so to be enlarged, or through which such Highway, so to be diverted and turned, shall go, the said Surveyor, under the Direction, and with the Approbation of the said Justices, shall, and is hereby empowered to make an Agreement with him, her, or them, for the Recompence to be made for such Ground, and for the making such new Ditches and Fences as shall be necessary,

Justices may  
order narrow  
Roads to be  
widened, &c.  
See Cowp. 648.

(3.) The Forms of the Act must be followed as far as may be, otherwise the Proceeding is void, and the Invalidity thereof may be taken Advantage of in a collateral Proceeding; therefore when the Order omitted to specify the Breadth of the new Road, the old Road was held to subsist: *Davidson v. Gill*, 1 East, 64.

(4.) This extends to Highways repaired *Ratione Tenuræ*, and the Surveyor is indictable for Disobedience of an Order to widen them: *Rex v. Balme*, Cowp. 648.



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according and in Proportion to their several and respective Interests therein, and also with any other Person or Persons, Bodies Politick or Corporate, that may be injured by the enlarging, altering, or diverting such Highways respectively, for the Satisfaction to be made to him, her, or them respectively, as aforesaid: And if the said Surveyor, under the Direction, and with the Approbation, of the said Justices, cannot agree with the said Person or Persons, Bodies Politick or Corporate, or if he, she, or they cannot be found, or shall refuse to treat, or take such Recompence or Satisfaction as shall be offered to them respectively by such Surveyor, then the Justices of the Peace, at any General Quarter Sessions to be holden for the Limit wherein such Ground shall lie, upon Certificate in Writing, signed by the Justices making such View as aforesaid of their Proceedings in the Premises, and upon Proof of fourteen Days Notice in Writing having been given by the Surveyor of such Parish, Township, or Place, to the Owner, Occupier or other Person or Persons, Bodies Politick or Corporate, interested in such Ground, or to his, her, or their Guardian, Trustee, Clerk, or Agent, signifying an Intention to apply to such Quarter Sessions for the Purpose of taking such Ground, shall impanel a Jury of twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and the said Jury shall, upon their Oaths, to the best of their Judgement, assess the Damages to be given, and Recompence to be made, to the Owners and others interested as aforesaid in the said Ground, for their respective Interests, as they shall think reasonable, not exceeding forty Years' Purchase for the clear yearly Value of the Ground so laid out, and likewise such Recompence as they shall think reasonable, for the making of new Ditches and Fences on the Side or Sides of the said Highways that shall be so enlarged or diverted, and also Satisfaction to any Person or Persons, Bodies Politick or Corporate, that may be otherwise injured by the enlarging or diverting the said Highways respectively: And upon Payment or Tender of the Money so to be awarded and assessed to the Person or Persons, Bodies Politick or Corporate, intituled to receive the same, or leaving it in the Hands of the Clerk of the Peace of such Limit, in case such Person or Persons, Bodies Politick or Corporate, cannot be found, or shall refuse to accept the same, for the Use of the Owner of, or others interested in the said Ground, the Interest of the said Person or Persons, Bodies Politick or Corporate, in the said Ground, shall be for ever divested out of them, and the said Ground, after such Agreement or Verdict as aforesaid, shall be esteemed and taken to be a publick Highway, to all Intents and Purposes whatsoever; saving nevertheless to the Owner or Owners of such Ground all Mines, Minerals, and Fossils, lying under the same, which can or may be got without breaking the Surface of the said Highway; and also all Timber and Wood growing upon such Ground, to be fallen and taken by

such Owner or Owners within one Month after such Order shall have been made, or in Default thereof to be fallen by the said Surveyor or Surveyors, within the respective Months aforesaid, and laid upon the Land adjoining, for the Benefit of the said Owner or Owners: And where there shall not appear sufficient Money in the Hands of the Surveyor or Surveyors, for the Purposes aforesaid, then the said two Justices, in case of Agreement, or the said Court of Quarter Sessions, after such Verdict as aforesaid, shall order an equal Assessment to be made, levied, and collected upon all and every the Occupiers of Lands, Tenements, Woods, Tithes and Hereditaments, in the respective Parishes, Townships or Places, where such Highways shall lie, and direct the Money to be paid to the Person or Persons, Bodies Politick or Corporate, so interested, in such Manner as the said Justices, or Court of Quarter Sessions respectively, shall direct and appoint: And the Money thereby raised, shall be employed and accounted for, according to the Order and Direction of the said Justices, or Court of Quarter Sessions respectively, for and towards the purchasing the Land to enlarge or divert the said Highways, and for the making the said Ditches and Fences, and also Satisfaction for the Damages sustained thereby; and the said Assessment, if not paid within ten Days after Demand, shall, by Order of the said Justices, or Court of Quarter Sessions respectively, be levied by the said Surveyor, in the Manner herein after mentioned: Provided, That no such Assessment to be made in any one Year shall exceed the Rate of six Pence in the Pound of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments so assessed.

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c. 78.

XVII. And be it further enacted, That when any such new Highways shall be made as aforesaid, the old Highway shall be stopped up, and the Land and Soil thereof shall be sold (5.) by the said Surveyor, with the Approbation of the said Justices, to some Person or Persons whose Lands adjoin thereto, if he, she, or they shall be willing to purchase the same, if not, to some other Person or Persons for the full Value thereof: But if such old Road shall lead to any Lands, House, or Place, which cannot, in the Opinion of such Justices respectively be accommodated with a convenient Way and Passage from such new Highway, which they are hereby authorised to order and lay out, if they find it necessary; then, and in such Case, the said old Highway shall only be sold subject to the Right of Way and Passage to such Lands, House, or Place respectively, according to the ancient Usage in that Respect; and the Money arising from such Sale, in either of the said Cases, shall be applied towards the Purchase of the Land where such new Highway shall be made: And upon Payment or Tender of the Money so to be agreed for as aforesaid, and upon a Certificate being signed by the said two

Old Highway and Soil may be sold by the Surveyor,

subject, &c.

(5.) It seems to have been overlooked, that, subject to the Right of Passage, the Ownership of the Soil is vested in private Individuals, and may be a valuable Property.

No. 1. Justices, or by the Chairman of the said Court of Quarter  
 13 George III Sessions, in case the same shall be determined there, describing  
 c. 78. the Land so sold, and expressing the Sum so agreed for, and directing to whom the same shall be paid; and upon the Purchaser's taking a Receipt for such Purchase-Money from the Person intitled to receive the same, by an Indorsement on the Back of such Certificate, the Soil of such old Highway shall become vested in such Purchaser and his Heirs; but all Mines, Minerals, and Fossils, lying under the same, shall continue to be the Property of the Person or Persons who would from Time to Time have been intitled to the same, if such old Highway had continued there.

Costs of Proceedings by whom payable.

XVIII. And be it further enacted, That in case such Jury shall give in and deliver a Verdict for more Monies, as a Recompence for the Right, Interest, or Property of any Person or Persons, Bodies Politick or Corporate, in such Lands or Grounds, or for the making such Fence, or for such Damage or Injury to be sustained by him, her, or them respectively, as aforesaid, than what shall have been proposed and offered by the said Surveyor, before such Application to the said Court of Quarter Sessions, as aforesaid; that then and in such Case, the Costs and Expences attending the said several Proceedings shall be borne and paid by the Surveyor of the said Highway, out of the Monies in his or their Hands, or to be assessed and levied by virtue and under the Powers of this Act; but if such Jury shall give and deliver a Verdict for no more or for less Monies than shall have been so offered and proposed by the said Surveyor, before such Application to the said Court of Quarter Sessions; that then the said Costs and Expences shall be borne and paid by the Person or Persons, Bodies Politick or Corporate, who shall have refused to accept the Recompence and Satisfaction so offered to him, her, or them, as aforesaid.

Highways, &c. may be turned by the Justices at their special Sessions, with Consent of the Owners, &c.

XIX. (6.) [And be it further enacted, That when it shall appear, upon the View of any two or more of the said Justices of the Peace, that any publick Highway, not in the Situation herein-before described, or publick Bridleway, or Footway, may be diverted, (7.) so as to make the same nearer or more commodious to the Publick; and the Owner or Owners of the Lands and Grounds through which such new Highway, Bridleway, or Footway is proposed to be made shall consent thereto, by Writing under his or their Hand and Seal, or Hands and Seals, it shall and may lawfully, by Order of such Justices, at some Special Sessions, to divert and turn, and to stop up such Footway, and to divert, turn, and stop up, and inclose, sell, and dispose of such old Highway or Bridleway, and to pur-

(6.) The Part of this Clause included in Brackets is repealed, and other Provisions substituted in lieu thereof, by Stat. 55 Geo. III. c. 68. post. No. 19

(7.) A Road cannot be stopped up by reason of widening another, by throwing to it several Slips of Land; but a new Line of Road must actually be made, and the old Highway continues, notwithstanding the Order for Diversion has been confirmed at the Sessions; the Justices in such Case having no Jurisdiction: *Welch v. Nash*, 8 E. 391.

chase the Ground and Soil for such new Highway, Bridleway, or Footway, by such Ways and Means, and subject to such Exceptions and Conditions, in all Respects, as herein-before mentioned with regard to Highways to be widened or diverted; and where any such Highway, Bridleway, or Footway, herein last before described, shall be so ordered to be stopped up or inclosed, and such new Highway, Bridleway, or Footway, set out and appropriated in lieu thereof, as aforesaid, it shall and may be lawful for any Person or Persons injured or aggrieved by any such Order or Proceeding, or by the Inclosure of any Road or Highway, by virtue of any Inquisition taken upon any Writ of *ad quod damnum*, (8.) to make his or their Complaint thereof, by Appeal to the Justices of the Peace at the next Quarter Sessions which shall be holden within the Limit where the same shall lie, after such Order made or Proceeding had, as aforesaid, upon giving ten Days Notice in Writing of such Appeal to the Surveyor and Party interested in such Inclosure, if there shall be sufficient Time for that Purpose; if not, such Appeal may be made upon the like Notice to the next subsequent Quarter Sessions of the Peace, which Courts of Quarter Sessions are hereby respectively authorised and empowered to hear and finally determine such Appeal; and if no such Appeal be made, or being made, such Order and Proceedings shall be confirmed by the said Court, the said Inclosures may be made, and the said Ways stopped, and the Proceedings thereupon shall be binding and conclusive to all Persons whomsoever; and the new Highway, Bridleway, or Footway, so to be appropriated and set out, shall be, and for ever after continue, a publick Highway, Bridleway, or Footway, to all Intents and Purposes whatsoever; but no Inclosures of such old Highways or Bridleway, or Stoppage of such Footway, shall be made, until such new Highways, Bridleway, or Footway shall be completed and put into good Condition and Repair, and so certified by two Justices of the Peace, upon View thereof; which Certificate shall be returned to the Clerk of the Peace, and by him enrolled amongst the Records of the said Court of Quarter Sessions; but from and after such Certificate, such old Highways, Bridleway, or Footway, shall and may be stopped up, and the Soil of such old Highways or Bridleway sold, in the Manner, and subject to the Reservations and Restrictions herein before mentioned with respect to Highways to be enlarged or diverted by virtue of this Act:] And where any Highway, Bridleway, or Footway hath been diverted and turned above twelve Months, either from Necessity, where the same have been destroyed by Floods, or Slips of the Ground on which they were made, or from other Causes and Motives, if new Highways, Bridleways, or Footways have been made in lieu thereof, nearer or more commodious to the Public, and the same have been acquiesced in, and

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Appeal.

Concerning those which have been turned above twelve Months, and no Prosecution commenced.

(8.) If, upon a Writ of *Ad quod Damnum*, the new Road is set out in the same Parish, the Parish ought to repair; if in a different Parish, the Person suing out the Writ: *Venner v. Lucy*. 3 Atk. 766.

No. 1. no Suit or Prosecution hath been commenced for the diverting  
 13 George III. or turning the same, every new Highway, Bridleway, or  
 c. 78. Footway, set out and used in the Place of that so diverted and  
 turned, shall from henceforth (9.) be the publick Highway, Bridleway, or Footway, to all Intents and Purposes whatsoever; and all Persons liable to the Repair of any such old Highways, Bridleway, or Footway so diverted and turned, or to be diverted and turned, as aforesaid, shall, in the same Manner, be and continue liable to the Repair of such new Highways, Bridleway, or Footway, except where any Agreement shall have been made relative to such Repairs, between the Parties interested therein, which hath laid the Burthen thereof, or of any Part thereof, upon any other Person or Persons, in which Case the same shall be observed.

In what Cases,  
 &c. the old  
 Highways, or  
 the Lands lying  
 between the  
 Fences inclos-  
 ing the same,  
 shall be disposed  
 of.

XX. Provided nevertheless, and be it further enacted, That no common Land, lying between the Fences of any old Highway to be stopped up or inclosed by virtue of this Act shall be inclosed; and where the Land lying between the Fences of such Highway, not being common Land, shall, upon a Medium, exceed thirty Feet in Breadth, and not extend to fifty Feet in Breadth, the same shall not be stopped up or inclosed, until Satisfaction shall be made to the Owner of such Land, for so much thereof as shall exceed the said Breadth of thirty Feet; and if the Parties cannot agree in the Satisfaction so to be made, the same shall be adjusted by the said Justices, or the Jury, if a Jury shall be impanelled; and if the Land between the Fences inclosing such Highways, not being common Land, shall exceed fifty Feet in Breadth upon a Medium, or if the said old Road so to be diverted or turned shall lie through the open Field or Ground belonging to any particular Person or Persons, such Person or Persons, and also the Person or Persons intitled to the Land between the Fences on the Side of such Highway, shall respectively hold and enjoy the Land and Soil of such old Highway, and pay to the Surveyor, for the Use of the Highways, so much Money as shall be agreed upon between the Parties; or if they cannot agree, so much as shall be deemed and adjudged by the said Justices or Jury, if such Jury shall be impanelled, as aforesaid, to be adequate to the Purchase of it, estimating such Highway at thirty Feet in Breadth, upon an Average.

When old Foot-  
 ways are stopped  
 up, and new  
 ones laid out, in  
 what Manner  
 Owners of  
 Lands shall  
 make and re-  
 ceive Satisfaction.

XXI. And be it further enacted, That where any Footway shall be diverted by virtue of this Act, through the Land belonging to the same Person who owned the Land through which such old Footway lay, the same shall be adjudged and deemed an Exchange only; and no Satisfaction or Compensation shall be made, unless the Land to be used for such new Footway shall be of greater Length, and of greater Value than the Land used for such old Footway; and where the said

(9) This Provision as to Roads diverted above twelve Months, relates only to Roads diverted so long before the passing of the Act; the Word *henceforth* not admitting of any other Construction; Waite & Smith, 8 T. R. 133.

Footway shall not be turned through the Lands belonging to the same Person, the Damage occasioned by such old Footway shall not agree in adjusting the same, shall be adjudged by two indifferent Persons; the one to be named by the Owner of the Land, and the other by the said two Justices; and if the Persons so to be nominated cannot agree therein, they shall chuse some third Person to adjudge the same, whose Determination shall be final; and the Money at which such Damages shall be assessed, shall be applied in making Satisfaction to the Owner or Owners of the Land through which such new Footway shall be made.

No. 1.  
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XXII. And be it further enacted, That if in any Parish, Township, or Place, where any Highway shall be diverted and turned by virtue of this Act, it shall appear to the Justices who are hereby authorised to view or inquire into the same, (10.) that there are other Highways within such Parish, Township, or Place, besides that so to be diverted and turned, which may, without Inconvenience to the Publick, be diverted into such new Highway hereby authorised to be made, or into any Highway or other Highways within such Parish, Township, or Place, and the Charge of repairing such Highway or Highways may be thereby saved to such Parish, Township, or Place, it shall and may be lawful for such Justices to order such Highway or Highways, which shall appear to them unnecessary, to be stopped up, and the Soil thereof sold, in such Manner, and subject to such Restrictions, and such Right of Appeal to the Party or Parties aggrieved thereby, as are herein before respectively directed and given concerning the Highways to be stopped up or inclosed.

Justices to  
order unnecessary  
Highways  
to be stopped  
up.

XXIII. And be it further enacted, That every Surveyor shall and may, from Time to Time, give Information upon Oath to the said Justices, or any two or more of them, of all such Highways, and of all Bridges, Causeways, or Pavements, upon such Highways, as are out of Repair, and ought to be repaired by any Person or Persons, Bodies Politick or Corporate, by reason of any Grant, Tenure, Limitation or Appointment of any charitable Gift; or otherwise howsoever; and the said Justices shall limit a Time for repairing the same, of which Notice shall be given by the said Surveyor to the Occupier or Occupiers of the Lands or Tenements liable to the Burthen of such Repairs, or to such other Person or Persons, Bodies Politick or Corporate, as are chargeable with the same; and if such Repairs shall not be effectually made within the Time so limited, the said Justices shall, and are hereby required to present such Highways, Bridges, Causeways, or Pavements, so out of Repair, together with the Person or Persons, Bodies Politick or Corporate, liable to repair the same, at the next

Justices on In-  
formation of  
Surveyor, may  
order High-  
ways, liable to  
be repaired by  
Tenure, &c. to  
be repaired.

(10.) This Power is only given where a new Road is set out. It must be one entire Act: the Clauses make one Provision, and the Powers under them are to make but one Transaction: Page 6. Howard, Cald. 228; but see Stat. 53 Geo. III. c. 68, post. No. 19:

No. 1. General Quarter Sessions of the Peace for the Limit wherein  
 13 George III. such Highway shall lie, and the Justices at such Quarter  
 c. 78. Sessions may, if they see just Cause, direct the Prosecution to be carried on at the general Expence of such Limit, and to be paid out of the general Rates within the same.

Presentments  
 of Highways,  
 &c. out of Re-  
 pair.

A *Certiorari*  
*pro Rege* lies  
 before *Traverse*.  
*Corup.* 78.

XXIV. And be it further enacted, That every Justice of Assize, Justices of the Counties Palatine of *Chester*, *Lancaster*, and *Durham*, and of the Great Sessions in *Wales*, shall have Authority by this Statute, upon his or their own View, and every Justice of the Peace, either upon his own View, or upon Information upon Oath to him given by any Surveyor of the Highways, to make Presentment, at their respective Assizes or Great Sessions, or in the open General Quarter Sessions, of such respective Limit of any Highway, Causeway, or Bridge, not well and sufficiently repaired and amended, or of any other Default or Offence committed and done contrary to the Provision and Intent of this Statute, and that all Defects in the Repair thereof shall be presented in such Jurisdiction where the same do lie, and not elsewhere; and that no such Presentment, nor any Indictment for any such Default or Offence, shall be removed by *Certiorari*, or otherwise, out of such Jurisdiction, till such Indictment or Presentment be traversed, and Judgement thereupon given, except where the Duty or Obligation of repairing the said Highways, Causeways, or Bridges, may come in question; and that every such Presentment made by any such Justice of Assize, Counties Palatine, Great Sessions, or of the Peace, upon his own View, or upon such Information having been given to such Justice of the Peace, upon the Oath of such Surveyor of the Highways, as aforesaid, shall be as good, and of the same Force, Strength, and Effect, in the Law, as if the same had been presented and found by the Oaths of twelve Men; and that for every such Default or Offence so presented, as aforesaid, the Justices of Assize, Counties Palatine, and Great Sessions, at their respective Courts, and the Justices of the Peace, at their General Quarter Sessions, shall have Authority to assess such Fines as to them shall be thought meet: Saving to every Person or Persons that shall be affected by any such Presentment, his, her, or their lawful Traverse to the same Presentment, as well with respect to the Fact of Non-repair, as to the Duty or Obligation of repairing the said Highways, as they might have had upon any Indictment of the same, presented and found by a Grand Jury; and the Justices of the Peace, at their General Quarter Sessions, or the major Part of them, if they see just Cause, direct the Prosecutions upon such Presentments as shall be made at the Quarter Sessions, as aforesaid, to be carried on at the general Expence of such Limit, and to be paid out of the general Rates within the same.

Justices may  
 order what  
 Highways shall  
 be first repaired.

XXV. And be it further enacted, That the said Justices of the Peace, at any Special Sessions to be held by virtue of this Act, may, by Writing under their Hands and Seals, order and appoint those Highways (not being Turnpike Road), which,

in their Opinion, do most want Repair within their Jurisdiction, to be first amended, and at what Time, and in what Manner, the same shall be amended; according to which Order, if such there be, all and singular the respective Surveyors of the said Highways as hereby required to proceed within their respective Liberties.

‘ XXVI. And for the better Convenience of Travellers, where several Highways meet,’ be it further enacted, That the said Justices, at some Special Sessions to be held for the Purposes of this Act, shall issue their Precept to the Surveyor of the Highways, for any Parish, Township, or Place where several Highways meet, and there is no proper or sufficient Direction Post, or Stone, already fixed or erected, requiring him forthwith to cause to be erected or fixed, in the most convenient Place where such Ways meet; a Stone or Post, with Inscriptions thereon, in large legible Letters, painted on each Side thereof, containing the Name or Names of the next Market Town or Towns, or other considerable Place or Places, to which the said Highways respectively lead; and also at the several Approaches or Entrances to such Parts of any Highways as are subject to deep or dangerous Floods, graduated Stones or Posts, denoting the Depth of Water in the deepest Part of the same, and likewise such Direction Posts or Stones, as the said Justices shall judge to be necessary for the guiding of Travellers in the best and safest Track though the said Floods or Waters; and the said Surveyor shall be reimbursed the Expences of providing and erecting the same respectively out of the Monies which shall be received by him or them, pursuant to the Directions of this Act; and in case any Surveyor shall, by the Space of three Months after such Precept to him directed and delivered, neglect or refuse to cause such Stones or Posts to be fixed, as aforesaid, every such Offender shall forfeit the Sum of twenty Shillings.

‘ XXVII. And for the better repairing, and keeping in Repair, the said Highways, and providing of Materials for that Purpose,’ be it enacted, That it shall and may be lawful for every Surveyor, to be appointed as aforesaid, to take and carry away, or cause to be taken and carried away, so much of the Rubbish or Refuse Stones, of any Quarry or Quarries, lying and being within the Parish, Township, or Place where he shall be Surveyor (except such as shall have been got by the Surveyor of any Turnpike Road), without the Licence of the Owner or Owners of such Quarries, as they shall judge necessary, for the Amendment of the said Highways, but not to dig or get Stone in such Quarry without Leave of the Owner thereof; and also that it shall and may be lawful for every such Surveyor, for the Use aforesaid, in any waste Land or common Ground, River, or Brook, within the Parish, Township, or Place for which he shall be Surveyor, or within any other Parish, Township, or Place wherein Gravel, Sand, Chalk, Stone, or other Materials are respectively likely to be found (in case sufficient cannot be conveniently had within the Parish,

No. 1.  
George III.  
c. 78.  
Direction  
Posts.

Materials.



- No. 1. Township, or Place where the same are to be employed, and sufficient shall be left for the Use of the Roads in such either Parish, Township, or Place), to search for, dig, get, and carry away the same, so that the said Surveyor doth not thereby divert or interrupt the Course of such River or Brook, or prejudice or damage any Building, Highway, or Ford, nor dig or get the same out of any River or Brook within the Distance of one hundred Feet above or below any Bridge, nor within the like Distance of any Dam or Wear; and likewise to gather Stones lying upon any Lands, or Grounds within the Parish, Township, or Place where such Highway shall be, for such Service and Purpose, and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways, without making any Satisfaction for the said Materials; but Satisfaction shall be made for all Damages done to the Lands or Grounds of any Person or Persons, by carrying away the same, in the Manner herein after directed for getting and carrying (11.) Materials in inclosed Lands or Grounds; but no such Stones shall be gathered without the Consent of the Occupier of such Lands or Grounds, or a Licence from a Justice of Peace for that Purpose, after having summoned such Occupier to come before him, and heard his Reasons, if he shall appear and give any, for refusing his Consent.

If sufficient  
Materials can-  
not be found in  
waste Lands,  
&c.

XXVIII. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained, relative to the gathering or getting of Stones, shall extend to any Quantity of Land (being private Property), covered with Stones thrown up by the Sea, commonly called *Beach*.

XXIX. And be it further enacted; That it shall and may be lawful for every such Surveyor, for the Use aforesaid, to search for, dig, and get Sand, Gravel, Chalk, Stone, or other Materials, if sufficient cannot conveniently be had within such waste Lands, common Grounds, Rivers, or Brooks, in and through any of the several or inclosed Lands or Grounds of any Person or Persons whatsoever, within the Parish, Township, or Place where the same shall be wanted; or by Licence from two Justices of the Peace, at a Special Sessions within any other Parish, Township, or Place, adjoining or lying near to the Highway for which such Materials shall be required, if it shall appear to such Justices that sufficient Materials cannot be conveniently had in the Parish, Township, or Place, where such Highways lie, or in the waste Lands, or common Grounds, Rivers, or Brooks, of such adjacent Parish, Township, or Place, and that a sufficient Quantity of Materials will be left for the Use of the Parish,

(11.) Lands are vexatiously and unnecessarily entered under Colour of this Act; Trespass may be maintained; but the Damages to be paid in respect of Matters authorized by the Act, can only be ascertained in the Manner prescribed by Sec. 29, and not by a Jury upon a Question as to the sufficiency of Amends in an Action of Trespass: *Bayfield v. Porter*, 13 E. 200

Township, or Place where the same shall be, (such Lands or Grounds not being a Garden, Yard, Avenue to a House, Lawn, Park, Paddock, or inclosed Plantation), and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways; the said Surveyor making such Satisfaction for the Damage to be done to such Lands or Grounds by the getting and carrying away the same, as shall be agreed upon between him and the Owner, Occupier, or other Person interested in such Lands or Grounds respectively, in the Presence and with the Approbation of two or more substantial Inhabitants of such Parish, Township, or Place; and in case they cannot agree, then such Satisfaction and Recompence shall be settled and ascertained by Order of one or more Justice or Justices of the Peace of the Limit where such Land or Ground shall lie: And in such Places, where, from the Want of other Materials, burnt Clay may be substituted in the Place thereof, it shall and may be lawful for the Surveyor to dig Clay in such Places as he is hereby authorised to dig Chalk or Gravel, and to dry the same upon the Lands adjoining, and to burn the same upon any waste Lands or common Grounds, and to carry such Clay in such Manner as other Materials are allowed to be carried by this Act, upon making such Satisfaction for the Damages within the several inclosed Lands or Grounds where such Clay shall be placed or carried, as herein directed with regard to other Materials: Provided, that when the Owner of any such inclosed Lands shall have Occasion for any such Materials lying within the same, for the Repair of any Highway or other Roads or Ways upon his Estate, or which he shall be under Obligation to repair, and shall give Notice to such Surveyor that he apprehends there will not be sufficient for those Purposes, and also for the Use of the publick Highways; then, and in every such Case, the Surveyor shall not be permitted to dig or take such Materials without the Consent of such Owner, or an Order of two Justices of the Peace, after having summoned and heard the said Owner or Occupier, or his Steward or Agent; which Justices are hereby authorised to inquire into the Nature and Circumstances of the Case, and to permit or restrain such Power; in such Manner; and under such Directions, as to them shall seem just.

XXX. And whereas, in some Parishes, Townships, or Places, there may not be sufficient Materials for the Repair of the Highways within the same, nor within the waste Lands, common Grounds, Rivers, or Brooks, of any other Parish, Township, or Place, lying within a convenient Distance from such Highway, by reason whereof the Surveyor of such Highway may be forced to buy such Materials, and to make Recompence and Satisfaction to the Owner or Occupier of inclosed Lands for Damage which may be done by getting and carrying thereof: And whereas no Provision is made for raising a Fund to reimburse the

No. 1.  
George III.  
c. 78.

No. 1. 'Expences thereof, and also such Expences as the said Survey-  
 13 George III. 'ors may incur, by erecting Guide-posts, or other Posts or  
 c. 78. 'Stones, and by making or repairing such Trunks, Tunnels,  
 'Plats, Bridges, or Arches, as aforesaid, and by rendering  
 'Satisfaction for Damages done to Lands by the making of  
 'new Ditches or Drains, nor for the Salary to be paid by such  
 'Parish, Township, or Place, to such Surveyor as aforesaid,'  
 be it therefore enacted, That upon Application by such Sur-  
 veyor to the Justices of the Peace, at their Special Sessions,  
 and Oath made of the Sum or Sums of Money which he hath  
*bona fide* laid out and expended, or which will be required for  
 the Purposes aforesaid, the said Justices, or any two or more of  
 them, shall, and they are hereby empowered, by Warrant  
 under their Hands and Seals, to cause an equal Assessment to  
 be made for the Purposes aforesaid, upon all Occupiers of  
 Lands, Tenements, Woods, Tithes, and Hereditaments, within  
 such Parish, Township, or Place, where such Money shall be  
 so expended or laid out; and the same shall be made and  
 collected by such Person or Persons, and allowed in such  
 Manner, as the said Justices, by their Order at such Sessions,  
 shall direct and appoint in that Behalf; and the Money thereby  
 raised shall be employed and accounted for, according to the  
 Direction of the said Justices, for the Purposes aforesaid; and  
 the said Assessment shall be levied in such Manner as hereinafter  
 mentioned: Provided nevertheless, That no such Assessment  
 to be made for those or any of those Purposes, in any  
 one Year, shall exceed the Rate of six Pence in the Pound, of  
 the yearly Value of the Lands, Tenements, Woods, Tithes,  
 and Hereditaments, so to be assessed.

If Pits or  
 Holes are made  
 in getting Mate-  
 rials, Surveyor  
 shall cause them  
 to be filled up  
 or fenced off.

XXXI. And be it further enacted, That if any Surveyor,  
 or Person employed by him, shall, by reason of the searching  
 for, digging, or getting any Gravel, Sand, Stones, Chalk,  
 Clay, or other Materials for repairing any Highways, make,  
 or cause to be made, any Pit or Hole in any such Lands or  
 Grounds, Rivers, or Brooks, as aforesaid, wherein such Ma-  
 terials shall be found, such Surveyor, Person or Persons, shall  
 forthwith cause the same to be sufficiently fenced off, and such  
 Fence supported and repaired, during such Time as the said  
 Pit or Hole shall continue open, and shall, within three Days  
 after such Pit or Hole shall be opened or made, where no  
 Gravel, Stones, or Materials shall be found, cause the same  
 to be forthwith filled up, levelled, and covered with the Turf  
 or Clod which was dug out of the same; and where any such  
 Materials shall be found, within fourteen Days after having  
 dug up sufficient Materials in such Pit or Hole, cause the  
 same to be filled up, sloped down, or fenced off, and so  
 continued; and every Surveyor shall, within twenty Days  
 after he shall be appointed to that Office, cause all the said  
 Pits and Holes which shall then be open, and not likely to  
 be further useful, to be filled up or sloped down, in Manner  
 aforesaid; and if they are likely to be further useful, he shall  
 secure the same by Posts and Rails, or other Fences, so

prevent Accidents to Persons or Cattle; and in case such Surveyor, Person or Person or Persons, shall neglect to fill up, slope down, or fence off such Pit or Hole, in Manner and within the Time aforesaid, he or they shall forfeit the Sum of ten Shillings for every such Default: And in case such Surveyor, Person or Persons, shall neglect to fence off such Pit or Hole, or to slope down the same as herein-before directed, for the Space of six Days after he or they shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such several Ground, River, or Brook, or any Person having Right of Common within such common or waste Lands as aforesaid, and such Neglect and Notice shall be proved upon Oath before one or more of the said Justices of the Peace, such Surveyor, Person or Persons, shall forfeit and pay any Sum not exceeding ten Pounds, not less than forty Shillings, for every such Neglect; to be determined and adjudged by such Justice or Justices, and to be laid out and applied in the fencing off, filling up, or sloping down, such Pit or Hole, and toward the Repair of the Roads in the Parish, Township, or Place, where the Offence shall be committed, in such Manner as the said Justice or Justices shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are herein-after directed to be levied.

XXXII. Provided always, and be it further enacted, That no Stone, Gravel, or Materials, to be dug for the Use of any Parish, Township, or Place, than that wherein the same are found, shall be removed or carried from the Place where they shall be so dug at any other Time than between the first Day of April and the first Day of November, or in the Time of hard Frost in the Winter Season.

XXXIII. And be it further enacted, That if any Person shall dig, or cause to be dug, Material for the Highways, contrary to the Direction of this Act, whereby any Bridge, Mill, Building, Dam, Highway, Ford, Mines, or Tin-works, may be damaged or endangered; every Offender therein shall forfeit, for every such Offence, any Sum not exceeding five Pounds, nor less than twenty Shillings, at the Discretion of the Court or Justices before whom Complaint thereof shall be made.

XXXIV. And be it further enacted, that the said Surveyor to be appointed as aforesaid; together with the Inhabitants and Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within each Parish, Township, or Place, shall, at proper Seasons in every Year, use their Endeavours for the Repair of the Highways, and shall be chargeable therunto, as followeth; that is to say, Every Person keeping a Waggon,

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Materials dug for any other Parish to be removed in Summer or hard Frost.

Persons damaging Mills, &c. for digging Materials, for Feit, &c.

Statute-duty. (12)

(12) The Performance of Statute Duty is now regulated by Stat. 31 Geo. III. c. 74, post. No. 14; but for the Manner of enforcing the Provisions therein contained, it may be sometimes requisite to refer to the Clauses of this Act, which, as they relate to the Quantity of Duty performed, are repealed.

No. 1. Wain, Plough, or Tumbrel, and three or more Horses or  
 13 George III. Beasts or Draught used to draw the same, shall be deemed to  
 c. 78. keep a Team, Draught, or Plough, and be liable to perform  
 in respect of Statute Duty with the same, in the Parish, Township, or Place  
 keeping a Team where he resides, and shall, six Days in every Year, (if so  
 or occupying many Days shall be found necessary), to be computed from  
 Lands, &c. *Michaelmas* to *Michaelmas*, send on every Day, and at every  
 Place, to be appointed by the Surveyor for the amending the  
 Highways in such Parish, Township, or Place, one Wain,  
 Cart, or Carriage, furnished after the Custom of the Country,  
 with Oxen, Horses, or other Cattle, and all other Necessaries  
 fit to carry Things for that Purpose, and also two able Men  
 with such Wain, Cart, or Carriage; which Duty so performed  
 shall excuse every such Person from his Duty in such Parish,  
 Township, or Place, in respect of all Lands, Tenements,  
 Woods, Tithes, or Hereditaments, not exceeding the annual  
 Value of fifty Pounds, which he shall occupy therein: And  
 every Person keeping such Team, Draught, or Plough, and  
 occupying in the same Parish, Township, or Place, Lands,  
 Tenements, Woods, Tithes, or Hereditaments, of the yearly  
 Value of fifty Pounds, over and beyond the said yearly Value  
 of fifty Pounds, in respect whereof such Team-duty shall be  
 performed; and every such Person occupying Lands, Tene-  
 ments, Woods, Tithes, or Hereditaments, of the yearly Value of  
 fifty Pounds, in any other Parish, Township, or Place, besides  
 that wherein he resides, and every other Person not keeping a  
 Team, Draught, or Plough, but occupying Lands, Tenements,  
 Woods, Tithes, or Hereditaments, of the yearly Value of fifty  
 Pounds, in any Parish, Township, or Place, shall, in like  
 Manner respectively, and for the same Number of Days, find  
 and send one Wain, Cart, or Carriage, furnished with not less  
 three Horses, or four Oxen and one Horse, or two Oxen and  
 two Horses, and two able Men to each Wain, Cart, or Car-  
 riage; and, in like Manner, for every fifty Pounds *per Annum*  
 respectively, which every such Person shall further occupy,  
 in any such Parish, Township, or Place respectively, such  
 Wains, Carts, or Carriages, to be employed by the Surveyor  
 in the repairing and amending the Highways within the  
 Parish, Township, or Place, where such Lands, Tenements,  
 Woods, Tithes, or Hereditaments shall respectively lie; and  
 every Person who shall not keep a Team, Draught, or Plough,  
 but shall occupy Lands, Tenements, Woods, Tithes, or Here-  
 ditaments, under the yearly Value of fifty Pounds, in the  
 Parish, Township, or Place, where he resides, or in any  
 other Parish, Township, or Place; and every Person keeping  
 a Team, Draught, or Plough, and occupying Lands, Tene-  
 ments, Woods, Tithes, or Hereditaments, under the yearly  
 Value of fifty Pounds, in any other Parish, Township, or  
 Place, than that wherein he resides, shall respectively con-  
 tribute to the Repair of the Highways, and pay to the Sur-  
 veyor of such Parish, Township, or Place respectively, in  
 lieu of such Duty, the Sums following; *videlicet*, For every

Contribution  
 in Money.

twenty Shillings of the annual Value of such Lands, Tenements, Woods, Tithes, or Hereditaments respectively, the Sum of one Penny for every Day's Statute-duty which shall be required and called for by the Surveyor of such Parish, Township, or Place respectively, in every Year, not exceeding six Days Duty in the Whole, as aforesaid; and every such Person respectively shall, in like Manner, pay the Sum of one Penny for every twenty Shillings of the annual Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall occupy in any such Parish, Township, or Place respectively, above the annual Value of fifty Pounds, and less than one hundred Pounds, and so for every twenty Shillings, that each progressive and intermediate annual Value of twenty Shillings, of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall so occupy, shall fall short of the further Increase of fifty Pounds, in every Parish, Township, or Place, where such Lands, Tenements, Woods, Tithes, and Hereditaments, shall respectively lie, for every Day's Statute-duty so to be required as aforesaid; which said several Sums shall be considered as Compositions, and shall be paid to the Surveyor of the Parish, Township, or Place, in which they are charged, for the Use of the Highways therein, at the Time such Compositions are to be paid under the Authority of this Act, or within ten Days after; or, in Default of such Payments, such Money shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons refusing to pay the same, in such Manner as the Forfeitures for the Neglect in performing the Statute-duty are hereby authorised to be levied and raised: Provided that no Person keeping such Team, Draught, or Plough, and performing Duty with the same, as aforesaid, in the Parish, Township, or Place where he resides, and not occupying Lands, Tenements, Woods, Tithes, or Hereditaments within the same, of the yearly Value of thirty Pounds, shall be obliged to send more than one Labourer with such Team, Draught, or Plough.

XXXV. And be it further enacted, That every Person who shall not keep a Team, Draught, or Plough, but shall keep one or more Cart or Carts, and one or two Horses or Beasts of Draught only, used to draw in each of such Carts upon the Highways, shall be obliged to perform his Statute-duty for the like Number of Days with such Cart or Carts, and Horse or Horses, or Beasts of Draught, and one Labourer to attend each Cart, or to pay for the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall occupy, according to the Rate aforesaid, at the Option of the Surveyor; and every Person who shall keep a Coach, Post-chaise, Chair, or other Wheel-carriage, and not keep a Team; Draught, or Plough, nor occupy Lands, Tenements, Woods, Tithes, or Hereditaments, of the annual Value of fifty Pounds, in the Parish, Township, or Place where he shall reside, shall pay to the Surveyor one Shilling in respect of every such Day's Statute-duty, for every Horse which he shall draw in any such Carriage, or shall pay according to the Value of the Lands, Tenements, or Hereditaments which he shall occupy, according to the Rate aforesaid,

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How Contributions in Money are to be recovered.

The Duty required from Persons who do not keep a Team, but Horses used to draw, &c.

No. 1. at the Option of the Surveyor; and also every Man inhabiting  
 13 George III. in any Parish, Township, or Place, (13) and being of the Age of  
 c. 78. Eighteen, and under the Age of Sixty Years, not chargeable  
 Personal La- in any of the Respects aforesaid for Lands, Tenements, Woods,  
 bour required. Tithes, or Hereditaments, of the yearly Value of four Pounds,  
 or upwards, and not being *bona fide* an Apprentice or menial  
 Servant, nor having performed the said Duty, or paid the Com-  
 position for the same, in any other Parish, Township, or Place,  
 for that Year, shall, by themselves, or one sufficient Labourer  
 for every of them, upon every of the said Days on which they  
 shall be called forth by the said Surveyor, together with the  
 said other Labourers, work and labour in the Amendment of the  
 said Highways, as they shall be directed by such Surveyor;  
 and if the said Teams, Draughts, or Ploughs, or any of them,  
 shall not be thought needful by the Surveyor, on any of the said  
 Days, then every such Person who should have sent any such  
 Team, Draught, or Plough, according to the Directions afore-  
 said, shall, according to the Notice to be given, as hereinafter  
 directed, send unto the said Work, for every one so spared,  
 three able Men, there to labour as aforesaid, or to pay to the  
 said Surveyor the Sum of four Shillings and six Pence in lieu  
 thereof; and all such Persons as aforesaid shall respectively  
 have and bring with them such Shovels, Spades, Picks, Mat-  
 tocks, and other Tools and Instruments as are useful and pro-  
 per for the Purposes aforesaid; and all the said Persons and Car-  
 riages shall diligently perform the Work and Labour to which  
 they shall be appointed by such Surveyor for eight Hours in every  
 of the said Days, within such Parish, Township, or Place, or in  
 getting and carrying Materials in and from any other Parish,  
 Township, or Place to be employed in the Repair of the High-  
 ways of the Parish, Township, or Place for which they shall be  
 required to perform such Duty and Labour as aforesaid: And if  
 any Person sending a Team, as aforesaid, shall not send a suf-  
 ficient Labourer besides the Driver (except as herein before  
 mentioned); or if any such Labourer or Driver, or any other  
 Labourer, or the Driver of any Cart, required by this Act to  
 perform Statute-duty as aforesaid, shall refuse to work and la-  
 bour, during the Time above mentioned, according to the Di-  
 rection of the Surveyor; or if any Driver shall refuse to carry  
 proper and sufficient Loads; it shall and may be lawful for such  
 Surveyor to discharge every such Team, Cart, or Labourer,  
 and to recover from the Owner of every such Team or Cart the  
 Forfeiture which every such Person or Persons would have in-  
 curred by virtue of this Act, in case no such Team, Cart, or  
 Labourer respectively had been sent.

Under what Regulation Du-  
 ty shall be per-  
 formed.

Three Men to  
 be sent in lieu of  
 a Team, if re-  
 quired,  
 or 4s. 6d. in  
 Money

Surveyor may  
 call for Part of a  
 Team.

XXXVI. And be it further enacted, That it shall and may  
 be lawful for the Surveyor, where the Employment for Teams  
 is of such Sort that two Horses will be sufficient for one Cart,  
 or where a Stand Cart with one Horse shall be necessary, to  
 call upon any Person liable to send a Team, Draught, or Plough,  
 by virtue of this Act, who keeps one or more Cart or Carts,

(13) The Liability to repair, as a mere personal obligation, is alto-  
 gether repealed by Stat. 31 Geo. III. c. 71.

and three or more Horses, to send such Cart or Carts, Horse or Horses, to perform his Statute-duty, as the Surveyor shall find most convenient, and shall direct; and the Surveyor shall allow every such Stand Cart and one Horse as Half a Team, and every Cart and two Horses as Two-thirds of a Team; and if a Waggon shall be found necessary for any particular Business, the Surveyor may require the Duty, or any Part thereof, to be performed with such Waggon, by any Person who keeps one; which Directions of the Surveyor shall be observed, or the Person liable to perform such Duty shall forfeit such Sum as the Duty so required of him shall bear, in Proportion to the Forfeiture hereby inflicted for every Neglect in performing Duty with a Team, Draught, or Plough.

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XXXVII. And be it further enacted, That every such Surveyor shall, from Time to Time, give to, or cause to be left at the House, or usual Place of Abode of every Person or Persons so liable to perform such Duty or Labour, as in this Act directed, four Days Notice at the least, of the Day, Hour, and Place, upon which each of the said Days Duty shall be required to be performed; and every Person or Persons making Default in finding and sending each Wain, Cart, or Carriage, furnished as aforesaid, and such able Men with the same, as herein required, or in performing the said Duty at the Time and Place, and in the Manner, by this Act directed, shall, for every such Default or Neglect in sending such Wain, Cart, or Carriage, with such Men as aforesaid, forfeit the Sum of ten Shillings; and for every Default in sending every Cart with one Horse and one Man, three Shillings; and for not sending every Cart with two Horses and one Man, five Shillings: And every Person or Persons making Default in sending any such Labourer, and every Person making Default in performing such Labour at the Time and Place, and in the Manner directed by this Act, or in paying such Composition-money for the same, as herein mentioned, shall, for every such Neglect, forfeit the Sum of one Shilling and six Pence; all which Forfeitures shall be applied for the Use of the Highways within the Parish, Township, or Place where the same shall arise; and the said Surveyor shall fairly and equally demand and require such Duty and Labour from every Person or Persons liable to perform the same according to the Directions of this Act, without Favour or Partiality to any Person or Persons whomsoever: And if in any Parish, Township, or Place, it shall not be necessary to call forth the whole Duty in any Year, it shall be abated in a just and equal Proportion amongst all Persons liable to the same; and the said Surveyor may and shall, and he is hereby required, with all convenient Speed, after Default made in Performance of such Duty or Labour as aforesaid, to proceed for the Recovery of the Penalties or Forfeitures hereby inflicted for the same respectively, in Manner herein after directed, so that the same may be recovered before he makes up his Accounts in the Manner directed by this Act.

What Notice  
to be given for  
performing the  
Duty.

Forfeitures for  
Neglect.

Application of  
the Forfeiture.

Surveyor to call  
forth the Duty  
equally.

XXXVIII. Provided always, and be it further enacted, That any Person or Persons liable to perform the said Duty, by

Persons may  
compound for  
Statute-work.



No 1. sending one or more Team or Teams, Draught or Draughts,  
 13 George III. Plough or Ploughs, with Men, Horses, or Oxen, in Manner  
 c. 78. aforesaid, shall and may compound for the same, if he, she, or  
 they shall think fit, by paying to the said Surveyor, at the  
 Time, and in the Manner herein after mentioned, such Sum or  
 Sums of Money as the Justices of the Peace for the Limit where-  
 in such Parish, Township, or Place shall be, or the major Part  
 of them, at their said Special Sessions, to be held in the first  
 Week after *Michaelmas* Quarter Sessions in every Year, shall  
 adjudge and declare to be reasonable, not exceeding six Shil-  
 lings, nor less than three Shillings, for each Team, Draught,  
 or Plough for each Day, and in Default of their adjudging and  
 declaring the same, the Sum of four Shillings and six Pence for  
 and in lieu of every such Day's Duty for each Team, Draught,  
 or Plough; and for every Cart and one Horse or Beast of  
 Draught, two Shillings; and for every Cart with two Horses  
 or Beasts of Draught, three Shillings, for and in lieu of every  
 Day's Duty; and every Inhabitant liable to perform such Duty  
 or Labour, as aforesaid, and not chargeable in any other Res-  
 pect, as aforesaid, shall and may compound for the same, if he,  
 she, or they shall think fit, by paying to the Surveyor the  
 Sum of four Pence for and in lieu of every such Day's Duty or  
 Labour respectively, at the Time, and in the Manner herein  
 after directed for the Payment of Composition-money. (14.)

Compositions  
 fixed.

Justices may  
 direct the Per-  
 formance of  
 Team Duty or  
 Labour in Kind  
 in any particu-  
 lar Parish, &c.

XXXIX. Provided always, and be it further enacted, That  
 if it shall appear to the Justices, at their Special Sessions, to be  
 held in the Week next after *Michaelmas* Quarter Sessions, that,  
 from the Directions herein before given for the performing and  
 compounding the Statute-duty, there will be Difficulty in pro-  
 curing the necessary Carriage, or a sufficient Number of La-  
 bourers for the Repair of the Highways, in any particular Pa-  
 rish, Township, or Place, within their respective Limits,  
 without paying high and extravagant Prices for the same, it  
 shall and may be lawful for such Justices to order and direct the  
 Team-duty hereby required, or so much thereof as they shall  
 think fit, to be performed in Kind, within every such Parish,  
 Township, or Place, except in respect of such Teams as be-  
 long to Persons who do not occupy Lands, Tenements, Woods,  
 Tithes, or Hereditaments, of the annual Value of thirty Pounds  
 within the same; and also to order the Labourers, liable by  
 this Act to perform or compound for Statute-duty, or such Part  
 of them as they shall think fit, to perform six Days Labour upon  
 such Highways in Kind, in case so many Day's Duty shall be  
 required, upon being paid for such Labour the usual and cus-  
 tomary Wages given to Labourers in such Parish, Township,  
 or Place, deducting thereout the Sum of four Pence for each  
 Day's Duty so performed, being the Composition hereby al-  
 lowed for Labourers: Provided, That if Part of such Teams or  
 Labourers only are required, it shall be directed by the said  
 Order of the Justices in some given Proportion, as one half,

(14.) By Stat. 54 Geo. III. c. 109. post. No. 18. the Option of calling  
 for Composition, instead of Statute-duty, is given to the Surveyor.

third, or fourth Part thereof; and the Surveyor shall, in that Case, at a public Vestry for such Parish, Township, or Place, put the Names of all the Persons liable by this Act to send such Teams into one Hat or Box, and the Names of all the Persons liable to perform such Labour into another Hat or Box, and some Inhabitant then present shall draw out such Number from each as shall be equal to the Proportion so ordered by the said Justices, and the Persons so drawn shall perform such Duty in Kind for that Year; and that if any such Order shall be made or continued in the subsequent Year, the same Method shall be observed, but the Names drawn in the preceding Year shall not be put into such Hat or Box; and in every succeeding Year such Method and Regulation shall be observed by such Surveyor, as to render the Duty so required to be performed in Kind as equal amongst the several Persons liable thereto as may be: Which Order of the said Justices, so far as the same shall be extended, shall supersede the said Power or Liberty of compounding, and shall be binding and effectual, to all Intents and Purposes whatsoever, and shall continue in Force until it shall be discharged or varied by the Justices at some subsequent Special Sessions for the Highways within such Limit, to be held in the Week next after *Michaelmas* Quarter Sessions; any Thing herein contained to the contrary thereof in any-wise notwithstanding.

XL. Provided always, and be it further enacted, That if any Person or Persons who shall keep a Team, Draught, or Plough, and shall not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, to the Value of thirty Pounds *per Annum*, in the Parish, Township, or Place, where he shall reside, but shall in Part maintain his Horses and Beasts of Draught used in such Team upon or from Lands which he shall occupy in one or more adjacent Parish or Parishes, it shall and may be lawful for the said Justices, at some Special Sessions, to mitigate and reduce the Duty or Composition so required to be performed or paid by such Person or Persons, in such Manner, and to such Sum, as they shall think just and reasonable.

XLI. Provided also, and be it further enacted, That the said Surveyor of every Parish, Township, or Place, shall, on some *Sunday* in *November* in every Year, cause ten Days Notice at the least to be given in the Church or Chapel of such Parish, Township, or Place, and if there be no Church or Chapel, or no Service performed therein, then at the most publick Place there, and repeat the like Notice in such Church, Chapel, or Place, on the next succeeding *Sunday*, of the Time and Place when and where the Persons permitted under the Authority of this Act, and inclined to compound for the said Duty, in Manner aforesaid, may signify to such Surveyor their Intention to compound; and all and every Person or Persons signifying the same, who shall then, or within the Space of one Calendar Month afterwards, pay to such Surveyor the Composition authorised and allowed by this Act, shall be discharged from the Performance of such Duty, which Composition-money shall be employed by the Surveyor for the Use of

No. 1.  
13 George III.  
c. 78.

Justices may  
mitigate Com-  
position, &c.

Surveyors to  
give Notice of  
compounding.

How Compo-  
sition-money  
shall be paid  
and employed.

No 1. the Highways; and that no Composition shall be permitted,  
 13 George III. unless the same shall be paid at the Day, or within the Time  
 c. 78. aforesaid; but in Cases where the Occupation of any Lands, Tenements, Woods, Tithes, or Hereditaments shall be changed, or any new Occupant or Inhabitant shall come to reside in such Parish, Township, or Place, after the Time appointed for such Composition, then the Person or Persons occupying such Lands, Tenements, Woods, Tithes, or Hereditaments, or so residing in such Parish, Township, or Place, shall be allowed to compound in Manner aforesaid: Provided he, she, or they shall pay the said Composition-money to the said Surveyor within fourteen Days after he, she, or they shall enter upon such Lands, Tenements, or Hereditaments, or shall come to reside in such Parish, Township, or Place; and every Tenant or Occupier of any Lands, Tenements, Woods, Tithes, or Hereditaments, who intends to quit the Possession thereof within six Calendar Months from the Time fixed for making such Composition, shall and may compound for Half the Duty hereby required, and the succeeding Tenant or Occupier shall and may, in that Case, compound or perform the Duty in Kind for the other Half thereof; and if the Surveyor shall receive from any Person or Persons a Composition for more Duty than shall be required from the other Inhabitants and Occupiers within the same Parish, Township, or Place, for the same Year, he shall repay such extraordinary Composition-money to such Person or Persons, so as to bring the Duty to an Equality amongst all such Inhabitants and Occupiers.

Persons keep- XLII. Provided always, and be it further enacted, That  
 ing a Draught in every Parish, Township, or Place, where any Person shall  
 or Plough, to keep a Draught or Plough, and no Carriage, he shall pay  
 pay for Horses to the Surveyor the Sum of one Shilling for every Horse, or  
 drawing them. Pair of Oxen or Neat Cattle, used in such Draught or Plough, for every Day's Statute-duty on the Day such Duty is required to be performed, or pay according to the Rate aforesaid for the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall occupy in such Parish, Township, or Place, at the Option of the Surveyor.

Inhabitants may fix certain Times when Duty shall not be. XLIII. And, in order to prevent, as much as possible, any Inconvenience to the Persons liable to perform Statute-duty, be it enacted, That it shall and may be lawful for the Inhabitants of every Parish, Township, or Place, at some Vestry, or other publick Meeting or Meetings to be held pursuant to this Act, to appoint three Months in every Year, within which no Statute-duty shall be performed; *viz.* *delicet*, one Month in the Spring, to be called *The Seed Month*, one Month in the Summer, for the Hay Harvest; and one other Month in the Summer, for the Corn Harvest: Provided, That Notice, in Writing, be given of the Times so appointed to the Surveyor of such Parish, Township, or Place respectively, and also to the Surveyor of every Turnpike Road lying within the same, within three Days after every such Meeting, and fourteen Days at least before the Beginning of each of such Months.

‘XLIV. And whereas, by several Acts of Parliament concerning Turnpike Roads, a certain Part of the Duty called *Statute-duty* is or may be directed to be performed on such Roads, and it may happen in some Places, that the several Persons liable thereto may have compounded for the same;’ be it therefore further enacted, That in all such Cases, the Surveyor of the Highways of the Parish, Township, or Place, where such Composition shall have been made, shall pay to the Treasurer or Surveyor of such Turnpike Roads a certain Part of the Composition-money so received, to be proportioned according to the Number of Days Duty which such Person or Persons was or were liable to perform on such Turnpike Road; which Money shall be laid out and expended on such Part of the said Turnpike Road as lies within the Parish, Township, or Place, from which it was received, and not elsewhere; and if such Surveyor of the Highways shall refuse or neglect to pay to the Treasurer or Surveyor of such Turnpike Road such Part of the said Composition-money so received by him, within twenty Days after he shall have received the same, upon Demand made by such Treasurer or Surveyor, the same shall and may be levied upon the Goods and Chattels of such Surveyor, in such Manner as Penalties and Forfeitures are by this Act authorised to be levied.

No. 1.  
George III.  
c. 8.

Where Surveyor receives Composition, he shall pay it to the Treasurer, &c.

XLV. And be it further enacted, That if, upon Application of the Surveyor of the Highways for any Parish, Township, or Place, to the Justices of the Peace for the Limit wherein such Parish, Township, or Place lieth, at their General or Quarter Sessions of the Peace, or at some Special Sessions for the Highways, the said Justices shall be fully satisfied, by Proof upon Oath, that the Duty hereby directed to be performed, and the Money hereby authorised to be collected and received, has been performed, applied, and expended, according to the Directions of this Act, or shall be fully satisfied that the common Highways, Bridges, Causeways, Streets, or Pavements, belonging to such Parish, Township, or Place, are so far out of Order that they cannot be sufficiently amended and repaired, paved, cleansed and supported, by the Means herein before prescribed (Notice being first given of such intended Application at the Church or Chapel of such Parish, Township, or Place, on some *Sunday* preceding such Quarter or Special Sessions; or if the Place be extraparochial, Notice in Writing being first given of such intended Application to some of the principal Inhabitants residing in such extraparochial Place, a Week at least before such General or Special Sessions); that then, and in any of the said Cases, an equal Assessment upon all and every the Occupier of Lands, Tenements, Woods, Tithes, and Hereditaments, within any such Parish, Township, or Place, shall or may be made and collected by such Person and Persons, and allowed in such Manner, as the said Justices, by their Order, at such General or Special Sessions, shall direct and appoint in that Behalf; and the Money thereby raised shall be employed and accounted for, according to the

If Duty and Money not sufficient, Justices may order an Assessment.

See *Doug. 402.*

No. 1. Orders and Directions of the said Justices, for and towards the amending, repairing, paving, cleansing, and supporting such Highways, Causeways, Streets, Pavements, and Bridges, from Time to Time, as Need shall require.

13 George III.  
c 78.

XLVI. Provided nevertheless, That the Assessment herein last before authorised, and the Assessment herein before authorised, for buying Materials, making Satisfaction for Damages, erecting Guide-posts, and paying the Surveyor's Salary, shall not together, in any one Year, exceed the Rate of Ninepence in the Pound of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, so to be assessed.

Fines, Penalties, and Forfeitures,

See Doug 405.

XLVII. And be it further enacted, That no Fine, Issue, Penalty, or Forfeiture, for not repairing the Highways, or not appearing to any Indictment or Presentment for not repairing the same, shall hereafter be returned into the Court of Exchequer, or other Court, but shall be levied by and paid into the Hands of such Person or Persons residing in or near the Parish, Township, or Place, where the Road shall lie, as the Court imposing such Fines, Issues, Penalties, or Forfeitures shall order and direct, to be applied towards the Repair and Amendment of such Highways; and the Person or Persons so ordered to receive such Fine shall, and is hereby required to receive, apply, and account for the same, according to the Direction of such Court, or in Default thereof, shall forfeit double the Sum received; and if any Fine, Issue, Penalty, or Forfeiture, to be imposed on any such Parish, Township, or Place, for not repairing the Highways, or not appearing as aforesaid, shall hereafter be levied on any one or more of the Inhabitants of such Parish, Township, or Place, that then such Inhabitant or Inhabitants shall and may make his or their Complaint to the Justices of the Peace, at their Special Sessions; and the said Justices are hereby empowered and authorised, by Warrant under their Hands and Seals, to cause a Rate (15.) to be made, according to the Form and Manner herein last before prescribed, for the reimbursing such Inhabitant or Inhabitants the Monies so levied on him or them as aforesaid; which Rate so made, and confirmed by any two Justices, shall be collected and levied by the Surveyor of the Highways of such Parish, Township, or Place, so presented or indicted, as aforesaid; and the said Surveyor shall, within one Month next after the making and confirming the Rate aforesaid, collect, levy, and pay unto such Inhabitant or Inhabitant the Money so levied on him or them as aforesaid. (16.)

(15.) A Mandamus to make such Rate refused, after a Length of Time, which appeared to the Court unreasonable. *R. v. Inhabitants of Lancashire*, 8 E. 366.

(16.) Where two Townships of a Parish repaired their Highways separately, and the Indictment was against the Parish for non-repair of a Road in one of the Townships, the Inhabitants of the other not having any Notice thereof, a special Mandamus was granted, to levy the Fine upon the Township separately liable. *R. v. Townsend*, Doug. 405. (421) — and see *Rex v. Justices of Lancashire*, 12 E. 366.

XLVIII. And be it further enacted, That the Surveyor of the Highways for every Parish, Township, or Place, shall carefully and diligently collect, or cause to be collected, the several Assessments, Forfeitures, Penalties, Sums of Money, and Compositions, directed and allowed to be received and taken within the same by virtue of this Act, within the Year for which he is appointed Surveyor, and shall keep one or more Book or Books, in which he shall fairly enter a just, true, and fair Account of all such Money as shall have come to his Hands, or to the Hands of the said Assistant, in respect of such Parish, Township, or Place, by virtue and for the Purposes of this Act, and to whom, and on what Occasion, he shall have paid or applied the same; and shall also enter in such Book or Books a List or Lists of all such Sums of Money as shall then remain due and owing from any Person or Persons, in respect of the Payments, Compositions, Assessments, Penalties, or Forfeitures, to be collected, received, or taken, for and in respect of the said Highways, by virtue of this Act; and the said Surveyor shall also enter in the said Book or Books an Account of all Tools, Materials, Implements, and other Things provided, or to be provided, by Order of the Inhabitants, at a Vestry or other publick Meeting for the Repair of the said Highways, at the publick Expence of such Parish, Township, or Place; and shall produce such Books, and the Assessments made within that Year for the Purposes of this Act, unto the Inhabitants of the Parish, Township, or Place, to which they belong, at a Vestry or other publick Meeting to be held for that Purpose, within fifteen Days before the said Special Sessions so to be held in the Week next after *Michaelmas* Quarter Sessions, as aforesaid, to the Intent that the said Accounts, Assessments, and Lists may be inspected by the Inhabitants of such Parish, Township, or Place respectively; and every such Surveyor shall, after the said Books and Assessments shall have been produced at such Meeting, take the same to such Justice of the Peace for the Limit wherein such Parish, Township, or Place doth lie, and on such Day, and at such Hour as shall be agreed upon at such Meeting, some Day after the said Meeting of the Inhabitants, and before such last-mentioned Special Sessions, and then and there verify such Account, or any Part thereof, upon Oath, if required; and such Justice may allow such Account, if he finds it just, or postpone it until such Special Sessions, if he finds Cause for so doing, in which Case it may be settled and allowed at such Special Sessions, after the Parts objected to by such Justice shall have been explained and verified by proper Evidence, to the Satisfaction of the Justices at such Special Sessions; and in case any Articles contained in such Accounts shall not be explained and proved to the Satisfaction of such Justices, they may disallow the same; and whenever the said Accounts shall be so settled and allowed, or disallowed, as aforesaid, all such Books and Assessments shall be transmitted to the Churchwarden or Overseer of the Poor for such Parish, Township, or Place respectively, or if the Place be

No. 1.  
13 George III.  
c 78.  
Surveyor's  
Duty.

No. 1. extraparcchial, then to some principal Inhabitant thereof, to be  
 13 George III. kept for the Use of such Parish, Township, or Place; and the  
 c. 78. said Surveyor shall forthwith deliver a Duplicate of such Book  
 and Account, together with all Sums of Money as shall remain  
 in his Hands, and likewise all Tools, Materials, Implements,  
 and other Things, as aforesaid, to the succeeding Surveyor for  
 such Parish, Township, or Place, in case any new Surveyor  
 shall be appointed, or retain the same in his Hands, and ac-  
 count for them in his next Account, if he shall be continued  
 Surveyor of such Parish, Township, or Place, in the succeed-  
 ing Year; and it shall and may be lawful for the succeeding  
 Surveyor, and he is hereby authorised and required, to recover,  
 collect, and receive all such Sums of Money which shall be due  
 and owing as aforesaid, by all such Ways and Means, as fully  
 and effectually, to all Intents and Purposes, as the preceding  
 Surveyor could, might, or ought to have recovered, collected,  
 or received the same: And in case such Surveyor shall neglect  
 to provide such Book or Books, or to enter such respective  
 Accounts and Lists therein, or to deliver the said Book or  
 Books, and such Duplicate thereof, and such Assessments,  
 Tools, Materials, Implements, and other Things, in Manner  
 aforesaid, he shall, for every such Offence, forfeit any Sum  
 not exceeding five Pounds, nor less than forty Shillings; and  
 in case he shall make Default in the paying or accounting for  
 the Money so remaining in his Hands, within the Time, and  
 according to the Directions aforesaid, he shall forfeit double  
 the Value of the Money which shall be adjudged by the said  
 Justices to be in his Hands; and in case any such Surveyor shall  
 die before such respective Accounts and Lists shall be made  
 out, or such Monies, Books, Assessments, Tools, Materials,  
 and Implements, shall be so delivered and paid, the Executors  
 or Administrators of such Surveyor shall make out, pay and  
 deliver the same, in like Manner, and under the like Penalty,  
 as such Surveyor is hereby required and made subject and liable  
 to; and every Surveyor shall pay to the Justices Clerks, for the  
 Appointment and Charge, the Sum of one Shilling; for the  
 Bond Sixpence; and for the Account so to be examined and  
 taken, and for the Oath so to be administered, the Sum of one  
 Shilling, and no more; and if any Person or Persons shall re-  
 ceive any greater Sum or Fee for the Business aforesaid than  
 herein before-mentioned, he shall forfeit the Sum of ten Pounds  
 for every Offence.

Surveyor lia-  
 ble to Forfeit-  
 ures.

If Surveyor  
 dies, his Exe-  
 cutors, &c. shall  
 account.

Fees to Justices  
 Clerks.

Surveyor may  
 contract for get-  
 ting and carry-  
 ing Materials.

XLIX. And be it further enacted, That in every Parish,  
 Township, or Place, where a sufficient Quantity of Stone,  
 Gravel, Chalk, or other Materials, cannot be provided and  
 carried by the Labourers and Teams required by this Act to  
 perform Statute-duty within such Parish, Township, or Place,  
 the said Surveyor shall, and is hereby required to contract for  
 the getting and carrying thereof (in the Presence of the said  
 Assitant, if any such shall be appointed), at a Meeting to be  
 held for that Purpose, of which ten Day's Notice in Writing  
 shall be given, by fixing the same upon the Door of the Church

or Chapel of such Parish, Township, or Place, or if there be no Church or Chapel, at the most publick Place there; which Notice shall specify the Work to be done, and the Time and Place for letting thereof; and if any Surveyor shall have any Part, Share, or Interest, directly or indirectly, in any such Contract, or in any other Contract or Bargain for Work or Materials to be made, done, or provided, upon, for, or on Account of any of the Highways, Roads, Bridges, or other Works whatsoever, under his Care or Management, or shall, upon his own Account, directly or indirectly, let to hire any Team, or sell or dispose of any Timber, Stone, or other Materials, to be used or employed in making or repairing such Roads, Bridges, or other Works, as aforesaid (unless a Licence, in Writing, for the Sale of any such Materials, or to let to hire any such Team, be first obtained from some Justice of the Peace within that Limit), he shall forfeit, for every such Offence, the Sum of ten Pounds, and be for ever after incapable of being employed as a Surveyor with a Salary, under the Authority of this Act.

No. 1.  
George III.  
c. 78.

If Surveyor has a Share in any Contract, &c. without Licence, &c. he shall forfeit 10l. &c.

LI. And be it further enacted, That if any Surveyor of the Highways, after his Acceptance of the said Office, shall neglect his Duty in any Thing required of him by this Act, for which no particular Penalty is imposed, he shall forfeit, for every such Offence, any Sum not exceeding five Pounds, nor less than ten Shillings, at the Discretion of the Justice or Justices having Jurisdiction therein.

shall forfeit 5l. when no Penalty is imposed.

LII. And be it further enacted, That where any Lands have been, or shall be given for the Maintenance of Causeways, Pavements, Highways, and Bridges, all such Persons who are, or shall be enfeoffed or trusted with any such Lands, shall let them to farm at the most improved yearly Value, without Fine; and that the Justices of the Peace, in their open Sessions, shall and may inquire, by such Ways and Means as they shall think fitting, into the Value of all such Lands so given, or to be given, and order the Improvement and Employment of the Rents and Profits thereof according to the Will and Direction of the Donor of such Lands, if they find that the Persons so intrusted have been negligent or faulty in the Performance or Trust (except such Lands have been given for the Uses aforesaid to any College or Hall in either of the Universities of this Kingdom, which have Visitors of their own); any Law, Statute, Usage, or Custom, to the contrary notwithstanding.

Persons enfeoffed with Lands for Maintenance of Causeways, &c. shall let them at the most improved Value.

LIII. And whereas in some Places it hath been and may be found necessary, and the Surveyors are hereby authorised and required, to secure Horse Causeways and Foot Causeways, by Posts, Blocks, or great Stones, fixed in the Ground, or by Banks of Earth cast up, or otherwise, from being broken up and spoiled with Waggon, Wains, Carts, or Carriages; and forasmuch as several evil-disposed Persons do or may wilfully or wantonly, pull up, cut down, and remove or damage the said Posts, Blocks, and great Stones, so fixed, or to be fixed as aforesaid, and drive Carriages upon such



No. 1. 'Banks and Causeways, or against the Sides thereof, and also  
 11 George III. 'dig or cast down the said Banks, which are the Securities and  
 c. 78. 'Defence of the said Causeways, whereby the Causeways or  
 'Banks are often ruined and destroyed; and such evil-disposed  
 'Persons do or may break, damage, or throw down the Stones,  
 'Bricks, or Wood, fixed upon the Parapets or Battlements of  
 'Bridges, and do or may pull down, destroy, obliterate, or  
 'deface, any Mile Stone or Post, Graduated or Direction Post  
 'or Stone, erected or to be erected upon any Highway: For  
 Prevention thereof, be it enacted, That every Person who shall  
 be guilty of any such Offence, shall, upon Complaint thereof  
 made to any Justice of the Peace of the Limit where the same  
 shall be proved to be done, by the Oath of any one credible  
 Witness, or upon View of the Justice himself, forfeit for every  
 of the said Offences any Sum not exceeding five Pounds, nor  
 less than ten Shillings; and in Default of Payment thereof, shall  
 be committed to the House of Correction of such Limit, there  
 to be whipped, and kept to hard Labour for any Time not ex-  
 ceeding one Calendar Month, nor less than seven Days, at  
 the Discretion of such Justice.

Penalty on da-  
 maging Banks,  
 &c.

Justices of  
 Cities, &c.

LIII. And be it further enacted, That the Justices of the  
 Peace of all Cities, Corporations, Boroughs, and other Places,  
 are hereby required to put in Execution every Part of this Act  
 within their respective Jurisdictions.

Justices of  
 Cities or Bo-  
 roughs not to  
 allow Salaries to  
 Surveyors, ex-  
 cept, &c.

LIV. Provided always, and be it further enacted, That  
 nothing in this Act contained shall authorise or empower, or be  
 deemed, construed, or taken, to authorise and empower, any  
 Justice or Justices of the Peace, for any City, Town Corpo-  
 rate, or Borough, to fix or allow any Salary to or for any Sur-  
 veyor to be appointed by any such Justice or Justices, other  
 than and except such Salary as shall be settled and agreed upon  
 by two Parts out of three of the Persons assembled in the  
 Parish, Township, or Place, within such City, Town Corpo-  
 rate, or Borough, for which such Surveyor shall be appointed,  
 pursuant to the Directions of this Act.

Number of  
 Horses for Wag-  
 gons and Carts  
 with different  
 Wheels.

LV. And whereas the Highways not being Turnpike  
 Roads, are much prejudiced by the Narrowness of the Wheels  
 of the several Carriages travelling thereon, and by the exces-  
 sive Burthens loaded in such Carriages; be it enacted, That no  
 Waggon, having the Sole or Bottom of the Fellies of the  
 Wheels of the Breadth of nine Inches, shall go or be drawn  
 with more than eight Horses; and that no Cart, having the Sole  
 or Bottom of the Fellies of the Wheels thereof of the Breadth  
 of nine Inches, shall go or be drawn with more than five  
 Horses; and that no Waggon, having the Sole or Bottom of  
 the Fellies of the Wheels of the Breadth of six Inches, and  
 rolling on each Side a Surface of nine Inches, shall go or be  
 drawn with more than seven Horses; and that no such Wag-  
 gon rolling a Surface of six Inches only, shall go or be drawn  
 with more than six Horses; and that no Cart, having the Sole  
 or Bottom of the Fellies of the Wheels of the Breadth of six  
 Inches, shall go or be drawn with more than four Horses; and

that no Waggon having the Sole or Bottom of the Fellies of the Wheels of less Breadth than six Inches, shall go or be drawn with more than five Horses; and that no Cart having the Sole or Bottom of the Fellies of the Wheels of less Breadth than six Inches, shall go or be drawn with more than three Horses upon such Highways, under the Pains, Penalties and Forfeitures herein after mentioned; (that is to say,) That the Owner of such Waggon or Cart respectively shall forfeit the Sum of five Pounds, and the Driver not being the Owner, the Sum of ten Shillings, for every Horse or Beast which shall be so drawing above the Number hereby so respectively limited as aforesaid, to the sole Use and Benefit of the Informer; but Carriages moving upon Wheels or Rollers, of the Breadth of sixteen Inches on each Side thereof, with flat Surfaces, are hereby allowed to be drawn with any Number of Horses, or other Cattle.

No. 1.  
George III.  
c. 78.

LVI. Provided always, and be it enacted, That no Prosecution shall be commenced before a Justice of Peace, by way of Information, for any Forfeiture incurred by the Owner or Driver of any Carriage, having a greater Number of Horses therein than are allowed by this Act, unless such Information be laid within three Days after the Offence committed; and that no Action shall be commenced for any such Offence, unless the same be commenced within one Calendar Month after the Offence committed; and that neither such Information or Action shall be laid or commenced, unless Notice shall be given by the Informer to the Driver of every such Carriage, on the Day upon which the Offence shall be committed, of an Intention to complain of such Offence; and if it shall appear to the Justice before whom such Complaint shall be made, that the Offender lives so remote as to make it inconvenient to summon him to appear before such Justice, the Justice may dismiss the Complaint, and leave the Informer to his Remedy by Action at Law.

Prosecution-  
for additional  
Numbers of Hor-  
ses.

LVII. Provided always; and be it further enacted, That it shall and may be lawful for the Justices of the Peace, at their respective General Quarter Sessions of the Peace, to be held in the Week after *Michaelmas*, to license in such Manner, and for such Time, as they shall think fit, an Increase of the Number of Horses to be drawn in Carriages up any steep Hill, or on any Road not Turnpike, within their respective Jurisdictions, over and above the Number herein-before limited, if, upon Inquiry into the State and Condition of such Roads, they shall find any additional Number of Horses necessary; and, from Time to Time, at any *Michaelmas* Quarter Sessions, to revoke, alter, or vary the same, as they shall think fit.

Justices may  
license an In-  
crease of Hor-  
ses.

LVIII. Provided always, and be it further enacted, That if it shall appear upon the Oaths of credible Witnesses, to the Satisfaction of any Justice or Justices of the Peace, or of any Court of Justice authorized to enforce the Execution of this Act, that any Waggon, Cart, or Carriage, could not, by reason of deep Snow or Ice, be drawn by the Number of

and stop Pro-  
ceedings when  
necessary.

No. 1. Horses or Beasts of Draught hereby respectively allowed, then, and in every such Case, it shall and may be lawful for such Justice or Justices of the Peace, or Court respectively, and they are hereby respectively required, to stop all Proceedings before them respectively for the Recovery of any Penalty or Forfeiture which may have been incurred by drawing with a greater Number of Horses, or Beasts of Draught, than are hereby allowed: any Thing herein contained to the contrary notwithstanding: Provided also, That the Regulations herein before mentioned, concerning the Number of Horses, and Wheels of Carriages, shall not be deemed or construed to extend to Carts, Waggon, or other Carriages, employed only in carrying any one Stone, Block of Marble, Cable Rope, or Piece of Metal, or Piece of Timber,\* or to such Ammunition or Artillery as shall be for his Majesty's Service; and that two Oxen or Horned Cattle shall, for all the Purposes of this Act, be considered as one Horse.

Carriages excepted out of this Act.

Two Oxen to be considered as one Horse.

Owner's Name, &c. to be painted on all Waggon, &c. let to Hire.

'LIX. And, for the better Discovery of Offenders 'against this present Act,' be it enacted, That the Owner of every Waggon, Wain, or Cart, and also of every Coach, Post Chaise, or other Carriage let to Hire, shall paint, or cause to be painted, upon some conspicuous Part of his Waggon, Wain, or Cart, and upon the Pannels of the Doors of all such Coaches, Post Chaises, or other Carriages, before the same shall be used upon any publick Highway, his or her Christian and Surname, and the Place of his or her Abode, in large legible Letters, and continue the same thereupon so long as such Waggon, Cart, Coach, Post Chaise, or other Carriage, shall be used upon any such Highway; and the Owner of every Common Stage Waggon or Cart, employed as Travelling Stages from Town to Town, shall, over and above his or her Christian and Surname, paint, or cause to be painted, on the Part, and in the Manner aforesaid, the following Words, *Common Stage Waggon, or Cart*, as the Case may be; and every Person using any such Carriage as aforesaid upon any Highway, without the Names and Descriptions painted thereon respectively as aforesaid, or who shall paint, or cause to be painted, any false or fictitious Name or Place of Abode, on such Waggon, Wain, Cart, Coach, Post Chaise, or other Carriage, shall forfeit, for every such Offence, a Sum not exceeding five Pounds, nor less than twenty Shillings.

Drivers of Carriages punishable.

'LX. And whereas many bad Accidents happen, and 'great Mischiefs are frequently done upon the Streets and 'Highways, by the Negligence or wilful Misbehaviour of 'Persons driving Carriages thereon;' be it therefore further enacted, That if the Driver of any Cart, Car, Dray, or Waggon, shall ride upon any such Carriage in any Street or Highway, not having some other Person on Foot, or on Horseback, to guide the same (such Carriages as are conducted by some Person holding the Reins of the Horse or Horses drawing the same excepted); or if the Driver of any Carriage whatsoever on any Part of any Street or Highway shall,

by Negligence, or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing or being upon such Street or Highway, or shall quit the Highway, and go on the other Side the Hedge or Fence inclosing the same; or wilfully be at such Distance from such Carriage, whilst it shall be passing upon such Highway, that he cannot have the Direction and Government of the Horses or Cattle drawing the same; or shall, by Negligence or wilful Misbehaviour, prevent, hinder, or interrupt the free Passage of any other Carriage, or of his Majesty's Subjects, on the said Highways; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other loaded Carriage; or if any Person shall drive or Act as the Driver of any such Coach, Post Chaise, or other Carriage, let for Hire, or Waggon, Wain or Cart, not having the Owner's Name, as before required, painted thereon, or shall refuse to discover the true Christian and Surname of the Owner of such respective Carriages; every such Driver so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice of Peace, or by the Oath of one or more credible Witness or Witnesses, before any Justice of the Peace of the Limit where such Offence shall be committed, shall, for every such Offence, forfeit any Sum not exceeding ten Shillings, in case such Driver shall not be the Owner of such Carriage; and in case the Offender be Owner of such Carriage, then any Sum not exceeding twenty Shillings: And in either of the said Cases, shall, in Default of Payment, be committed to the House of Correction, for any Time not exceeding one Month, unless the same shall be sooner paid; and every such Driver, offending in either of the said Cases, shall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be immediately conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace, to be dealt with according to Law: And if any such Driver, in any of the Cases aforesaid, shall refuse to discover his Name, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction for any Time not exceeding three Months, or to proceed against him for the Penalty aforesaid, by a Description of his Person and the Offence, and expressing in such Proceedings that he refused to discover his Name.

LXI. And be it further enacted, That it shall and may be lawful for any two or more Justices of the Peace, within their respective Limits, (17.) and they are hereby impowered, from

No. 1.  
George III.  
c. 78.

Justices may  
hold and ad-  
journ Special  
Sessions, &c

(17.) The Reference to particular Limits is only directory. Any Justice of the County may exercise the Powers of the Act in any Part of it. See *Welch v. Nash*, 8 E. 399.

No. 1. Time to Time, whenever they shall judge proper, to hold any  
 13 George III. Special Sessions, besides that which is herein-before directed,  
 c 78. for executing the Purposes of this Act; and to adjourn the same  
 from Time to Time, as they shall think fit, causing Notice to  
 be given of the Time and Place of holding such Special Sessions,  
 and of the Adjournments thereof, to the several Justices acting  
 and residing within such Limits, by the High Constable, or  
 other proper Officer within the same.

Alehouses, &c.  
 not to be kept  
 on Bridges  
 where Tolls are  
 taken.

‘LXII. And, for preventing Obstructions, which frequent-  
 ly happen by stopping of Carriages on or near publick Bridges,’  
 be it further enacted, That if any Person or Persons collecting  
 any Tolls payable for passing over any publick Bridge with  
 Carriages or Cattle of any Kind shall keep any Victuallings-  
 house, Alehouse, or other Place of publick Entertainment, or  
 shall sell, or permit to be sold therein, any Wine, Beer, Ale,  
 Cyder, Spirituous Liquors, or other Strong Liquors, by Retail,  
 he, she, or they, being lawfully convicted of such Offence, by  
 the Oath of one or more credible Witness or Witnesses, or by  
 his own Confession, before any Justice of the Peace of the  
 Limit wherein such Offence shall be committed, shall, for  
 every such Offence, forfeit the Sum of five Pounds.

Penalty for  
 incroaching on  
 Highways.

‘LXIII. And whereas Inconveniencies have arisen from  
 ‘making Hedges or other Fences, and from ploughing or  
 ‘breaking up the Soil of Lands or Grounds near the Middle or  
 ‘Centre of Highways:’ For Remedy thereof, be it enacted,  
 That if any Person shall incroach, by making, or causing to  
 be made, any Hedge, Ditch, or other Fence, on any High-  
 way, not being Turnpike Road, within the Distance of fifteen  
 Feet from the Middle or Centre thereof, or shall plough, har-  
 row, or break up the Soil of any Land or Ground, or in  
 ploughing or harrowing the adjacent Lands, shall turn his  
 Plough in or upon any Land or Ground within the Distance of  
 fifteen Feet from the Middle or Centre of any Highway,  
 where the Breadth of such Highway is formed and marked, or  
 described with Certainty, and does not exceed in Breadth  
 thirty Feet, every Person so offending shall forfeit, for every  
 such Offence, forty Shillings, to such Person who shall make  
 Information of the same; and it shall be lawful for the Surveyor  
 who hath the Care of any such Road, to cause such Hedge,  
 Ditch, or Fence, to be taken down, or filled up, at the  
 Expence of the Person or Persons to whom the same shall  
 belong: And it shall and may be lawful for any one or more  
 Justice or Justices of the Peace of the Limit where such  
 Offence shall be committed, upon Proof to him or them made  
 upon Oath, to levy as well the Expences of taking down such  
 Hedges as aforesaid, as the several and respective Penalties  
 hereby imposed, by Distress and Sale of the Offender’s Goods  
 and Chattels, in such Manner as Distresses and Sales for For-  
 feitures are authorised and directed to be levied by virtue of  
 this Act.

Court may  
 award Costs.

LXIV. And be it further enacted, That it shall and may  
 be lawful for the Court before whom any Indictment or Pro-

sentment shall be tried (18.) for not repairing Highways, to award Costs (19.) to the Prosecutor, to be paid by the Person or Persons so indicted or presented, if it shall appear to the said Court that the Defence made to such Indictment or Presentment was frivolous; or to award Costs to the Person indicted or presented, to be paid by the Prosecutor, if it shall appear to the said Court that such Prosecution was vexatious.

No. 1.  
George III.  
c. 78.

LXV. And be it further enacted, That if the Inhabitants of any Parish, Township, or Place, shall agree, at a Vestry or publick Meeting, to prosecute any Person by Indictment for not repairing any Highway within such Parish, Township, or Place, which they apprehend such Person was obliged by Law to repair, or for committing any Nuisance upon any Highways, or shall agree at such Vestry Meeting to defend any Indictment or Presentment preferred against any such Parish, Township, or Place, it shall and may be lawful for the Surveyor of such Parish, Township, or Place, to charge in his Account the reasonable Expences incurred in carrying on or defending such respective Prosecutions; after the same shall have been agreed to by such Inhabitants at a Vestry or publick Meeting, or allowed by a Justice of the Peace within the Limit where such Highway shall be; which Expences when so agreed to, or allowed, shall be paid by such Parish, Township, or Place, out of the Fines, Forfeitures, Compositions, Payments, and Assessments, authorised to be collected and raised by virtue of this Act.

Expences for  
Prosecutions,  
agreed upon at a  
Vestry Meeting,  
how to be  
paid.

LXVI. And be it further enacted, That in all Cases where a Vestry or publick Meeting of the Inhabitants of any Parish, Township, or Place, is authorised or directed by this Act, there shall be publick Notice given of the Day, Hour, and Place, of holding the said Meeting, at the Church or Chapel of such Parish, Township, or Place, on the Sunday next preceding such Meeting, and also Notice thereof in Writing, specifying the Purpose of such Meeting, fixed at the same Time upon the Door of such Church or Chapel, and the same shall not be held till three Days at least after such Notice given: and if there be no Church or Chapel, the like Notice of such Meeting shall be given in Writing, and put up at the most publick Place therein, three Days at least before such Meeting.

Notice required for publick Meetings.

LXVII. And be it further enacted, That if any Person shall refuse or neglect to pay the Sum or Sums assessed upon him, by any Assessment to be made in pursuance of this Act, within ten Days after Demand thereof made, the same shall and may be levied by the Surveyor, or any other Person or Persons authorised, by Warrant under the Hand and Seal of one Justice of the Peace, having Jurisdiction therein, by Dis-

Sums assessed may be levied.

(18.) If the Case is tried at Nisi Prius, the Power can be only exercised by the Judge at Nisi Prius, and not by the Court of B. R. *R. v. Chadderton*, 5 T. R. 272.

(19.) A Certificate that the Defence was frivolous, is a sufficient Award of Costs. *R. v. Clifton*, 6 T. R. 344.

No. 1. tress and Sale of the Goods and Chattels of the Person so  
 13 George III. refusing or neglecting, rendering the Overplus to the Owner  
 c. 78. or Owners thereof, the necessary Charges of making such Distress and Sale being first deducted; and in Default of such Distress, it shall be lawful for any such Justice to commit the Person so refusing or neglecting to the Common Gaol, there to remain until he shall have paid the Sum so assessed, and the Costs and Charges occasioned by such Neglect or Refusal.

Surveyor may  
 be a Witness.

LXVIII. And be it further enacted, That the Surveyor of any Parish, Township, or Place, shall be deemed, in all Cases, a competent Witness, in all Matters relative to the Execution of this Act, notwithstanding his Salary may arise in Part from the Forfeitures and Penalties hereby inflicted.

Forms of Pro-  
 ceedings.

LXIX. And be it further enacted, That the Forms of Proceedings relative to the several Matters contained in this Act, which are set forth and expressed in the Schedule hereunto annexed, (20.) shall be used, upon all Occasions, with such Additions or Variations only as may be necessary to adapt them to the particular Exigencies of the Case; and that no Objection shall be made, or Advantage taken, for want of Form in any such Proceedings, by any Person or Persons whomsoever.

Printed Ab-  
 stracts to Sur-  
 veyors.

LXX. And, in order to have the Contents of this Act 'more generally communicated and known,' be it further enacted, That the Justices of the Peace within their respective Limits, shall, at every Special Sessions to be held in the Week next after the *Michaelmas* General Quarter Sessions of the Peace, procure and deliver, or cause to be procured and delivered, a printed Abstract of the most material Parts of this Act to every Surveyor, to be then appointed by them respectively, as the Charge hereby directed to be given; and shall also, at their said Special Sessions, to be held in the Year one thousand seven hundred and seventy-three, deliver, or cause to be delivered, to every of the said Surveyors, one other of the said printed Abstracts of this Act, for the Use of the Parish, Township, or Place, for which the said Surveyor shall be appointed; which last-mentioned Abstract the said Surveyors are hereby respectively ordered and required to fix on the Church or Chapel Door, or other publick Place, within their respective Liberties, on the next Sunday after they shall so receive the same; and the said Surveyors shall severally pay to the said Justice Clerks the Sum of six Pence for each of the said last-mentioned printed Abstracts.

One to be fixed  
 on the Church  
 Door.

Persons resist-  
 ing the Execu-  
 tion of this Act,  
 or Constables  
 refusing to obey,  
 &c. forfeit not  
 exceeding 10l.  
 nor less than  
 40s.

LXXI. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act; or make any Rescue of the Cattle or other Goods distrained by virtue of this Act; or if any Constable, Headborough, or Tythingman, shall refuse or neglect to execute or obey any

(20.) This is imperative: see *Davidson v. Gill*, 1 East, 64: referred to ante, Sec. 16.

Warrant or Precept granted by any Justice of the Peace, pursuant to the Directions of this Act; every such Person offending therein, and being convicted thereof by a Justice of the Peace, shall, for every such Offence, forfeit any Sum not exceeding ten Pounds, nor less than forty Shillings, at the Discretion of the Justice before whom he or she shall be so convicted; to be paid to the Surveyor of the Highways for the Parish, Township, or Place, where the Offence was committed, to be laid out in the Repair of the Highways: And in case he or she do not forthwith pay, or secure to be paid, the said Forfeiture, after such Conviction, then it shall and may be lawful for such Justice of the Peace to commit such Person or Persons to the Common Gaol, or House of Correction, of the Limit where such Offence shall be committed, there to remain for any Time not exceeding three Months, unless the said Forfeiture shall be sooner paid.

No. 1.  
George III.  
c. 78.

LXXII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed for any Offence against the same, and all Costs and Charges to be allowed and ordered by the Authority of this Act (the Manner of levying and recovering of which is not hereby otherwise particularly directed), shall be levied by Distress and Sale of the Goods and Chattels of the Offender, or Person liable or ordered to pay the same respectively, by Warrant under the Hand and Seal of some Justice of the Peace for the Limit where such Offence, Neglect, or Default shall happen, or such Order for Payment of such Costs or Charges shall be made, rendering the Overplus of such Distress (if any be) to the Party or Parties, after deducting the Charges of making the same; which Warrant such Justice is hereby empowered and required to grant, upon Conviction of the Offender, by Confession, or upon the Oath of one or more credible Witness or Witnesses, or upon Order made as aforesaid; and the Penalties and Forfeitures, when so levied, shall be paid, the one Half to the Informer, and the other Half to the Surveyor of the Highway where such Offence, Neglect, or Default shall happen; to be applied towards the Repair thereof, unless otherwise directed by this Act; but in case the Surveyor shall be the Informer, then the Whole shall be employed towards the Repair of such Highway: And in case such Distress cannot be found, and such Penalties and Forfeitures, or the said Costs and Charges, shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorised and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders, or Person or Persons liable to pay the same respectively, to the Common Gaol, or House of Correction, of the Limit where the Offence shall be committed, or such Order as aforesaid shall be made, for any Time not exceeding three Months, unless the said Penalty, Forfeiture, Costs, and Charges shall respectively be sooner paid; and if such Offender or Offenders, or Person or Persons, liable or ordered to pay the same respectively, shall live out of the Jurisdiction of the Justice hereby authorised to grant such

Forfeitures,  
Costs, and  
Charges, may  
be levied.

In what Man-  
ner to be appli-  
ed. \*

How to proceed  
when the Of-  
fender lives  
within another  
Jurisdiction.



No. 1.  
George III.  
c. 78.

Warrant, it shall and may be lawful for any Justice of the Peace of the Limit wherein such Person shall inhabit, and every such Justice is hereby required, upon Request to him for that Purpose made, and upon a true Copy of the Conviction whereby such Forfeiture or Penalty was incurred, and of the Order for the Payment of such Costs and Charges, produced and proved by a credible Witness upon Oath, by Warrant under his Hand and Seal, to cause the Penalty or Forfeiture mentioned in such Conviction, and the Costs and Charges mentioned in such Order, or so much thereof as shall not have been paid, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, or Person or Persons, liable or ordered to pay the same respectively, as aforesaid; and if no sufficient Distress can be had, to commit such Offender or Offenders, or Person or Persons, liable as aforesaid, to the Common Gaol, or House of Correction, of such Limit, for the Time, and in Manner aforesaid.

Warrant of  
Distress when  
to be issued.

LXXIII. Provided nevertheless, That no Warrant of Distress, unless otherwise directed by this Act, shall be issued for levying any Penalty or Forfeiture, Costs, or Charges, until six Days after the Offender shall have been convicted, and an Order made and served upon him or her for Payment thereof.

Prosecutor to  
proceed by  
Information, or  
by Action.

LXXIV. Provided also, and be it further enacted, That every Prosecutor or Informer may, at his Election, sue for, and recover any Forfeiture or Penalty imposed by this Act, which shall amount to the Sum of forty Shillings or upwards (the Manner of Recovery thereof not being particularly directed by this Act), either in the Manner herein-before directed, or by Action at Law, to be brought by such Informer or Prosecutor in any of his Majesty's Courts of Record, in Manner following; (that is to say,) Where any Person shall be liable to any such pecuniary Penalty, it shall and may be lawful to sue for and recover the same by Action of Debt, in which it shall be sufficient to declare, that the Defendant is indebted to the Plaintiff in the Sum of . . . being forfeited by an Act, passed in the thirteenth Year of the Reign of his present Majesty, intituled, "An Act to explain, amend, and reduce into one Act of Parliament, the Statutes now in being for the Amendment and Preservation of the publick Highways within that Part of Great Britain called England; and for other Purposes;" and the Plaintiff, if he recover in any such Action, shall have Double Costs.

Within what  
Time Actions  
are to be com-  
menced, &c.

LXXV. Provided, That there shall not be more than one Recovery for the same Offence; and that ten Days Notice, in Writing, be given to the Party offending, previous to the Commencement of such Action; and that the same be brought and commenced within one Calendar Month after the Offence for which such Action is brought shall have been committed.

Convictions.

LXXVI. Provided also, and be it further enacted, That no Conviction shall be had or made by Virtue of this Act, unless upon Confession of the Party accused, or upon the Oath of one of more credible Witness or Witnesses, or upon the

View of a Justice of Peace, in the Cases before mentioned ; and that any Inhabitant of any Parish, Township, or Place, in which any Offence shall be committed contrary to this Act, shall be deemed a competent Witness, notwithstanding his or her being an Inhabitant of such Parish, Township, or Place.

No. 1.  
13 George III.  
c. 78.

Inhabitant a  
good Witness.

LXXVII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace to administer an Oath to any Witness or Witnesses, or other Person or Persons, for the better Discovery and Execution of the several Matters or Things herein before authorised or directed to be examined, enquired into, or performed by such Justice.

Justice may  
administer  
Oaths.

LXXVIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful; nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case.

Satisfaction  
recoverable for  
Special Da-  
mages, &c.

LXXIX. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Orders, and Judgement, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiffs not  
to recover for  
Irregularity, if  
Tender.

LXXX. Provided also, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done by any Justice or Justices of the Peace, or other Person, in the Execution of any of the Powers given by this Act, and for which no particular Method of Relief hath been already appointed, (21.) every such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be held for the Limit wherein the Cause of such Complaint shall arise, such Appellant giving, or causing to be given, Notice in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Justice, or other Person or Persons against whom such Com-

Appeal.

(21.) This Clause does not take away the Right of Replevin where Goods are taken for Non-payment of an Assessment out of the Parish, &c. *Fenton v. Bayle*, 2 N. R. 399.

No. 1. 13 George III. c. 78. **plaint shall be made, within six Days after the Cause of such Complaint arose, and within four Days after such Notice, entering into Recognizance before some Justice of the Peace within such Limit, with one sufficient Surety, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Session; and every Justice of the Peace, and other Person, having received Notice of such Appeal, as aforesaid, shall return all Proceedings whatsoever had before them respectively, touching the Matter of such Appeal, to the said Justices, at their General Quarter Sessions aforesaid, on Pain of forfeiting five Pounds for every such Neglect; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal, in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; to be levied and recovered as herein-before directed; and the Determination of such Quarter Session shall be final and conclusive to all Intents and Purposes; and that no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or this removed by *Certiorari*, or any other Writ or Process whatsoever (except as herein before-mentioned), in any of his Majesty's Courts of Record at Westminster, any Law or Statute to the contrary notwithstanding: Provided, That no such Appeal shall be made against any Conviction for any Penalty or Forfeiture incurred by virtue of this Act, unless the Person convicted shall, at the Time of such Conviction, if he or she shall be then present, if not, within six Days after, give Notice of his or her Intention to appeal, and at the same Time enter into Recognizance with sufficient Sureties to pay such Penalty or Forfeiture, in case such Conviction shall be affirmed upon such Appeal; and upon his or her giving such Security, the further Proceeding for such Penalty or Forfeiture shall be suspended until such Appeal shall be heard and determined.**

Proceedings  
not quashed for  
Want of Form,  
nor removeable,  
&c.

**LXXXI. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done or acted in pursuance of this Act, then, and in every such Case, such Action or Suit shall be commenced or prosecuted within three Calendar Months after the Fact committed, (22.) and not afterwards; and the same, and every such Action or Suit, shall be brought within the County where the Fact was committed, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority**

Limitation of  
Actions.

General Issue.

(22.) An Action on the Case for weakening the Foundation of a Wall, whereby it fell, may be brought within three Months after the consequential Damage which is the Cause of Action. *Roberts v. Read*, 16 E. 215;

of this present Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought or laid in any other Place than as afore-mentioned, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any other Case by Law.

No. 1.  
George III.  
c. 78.

Treble Costs.

LXXXII. And be it further enacted, That this Act shall commence and take place, with respect to the assembling of the Householders and others, and the making and delivering of Lists of Persons qualified to serve the Office of Surveyor, and the giving Notices to the Persons contained in such Lists, upon the twenty-first Day of September, one thousand seven hundred and seventy-three; and, with respect to all the other Matters and Things herein contained, on the eleventh Day of October, one thousand seven hundred and seventy-three.

LXXXIII. And, to the Intent that there may be only one Law subsisting for the several Purposes aforesaid, be it further enacted and declared, That from and after the tenth Day of October, one thousand seven hundred and seventy-three, an Act passed in the seventh Year of the Reign of his present Majesty, intituled, "An Act to explain, amend, and reduce into one Act of Parliament, the several Statutes now in being for the Amendment and Preservation of the publick Highways of this Kingdom, and for other Purposes therein mentioned," except so much thereof as repeals the several Acts, and Parts of Acts, therein mentioned, which are not revived by an Act, passed in the eighth Year of the Reign of his present Majesty, intituled, "An Act to explain, amend, and render more effectual an Act, passed in the seventh Year of his present Majesty's Reign, intituled, 'An Act to explain, amend, and reduce into one Act of Parliament, the several Statutes now in being for the Amendment and Preservation of the publick Highways of this Kingdom, and for other Purposes therein mentioned,'" shall be, and the same is hereby repealed.

7 Geo. 3. re-pealed.

8 Geo. 3. c. 5.

LXXXIV. Provided nevertheless, that the several Surveyors appointed under the Authority of the said Act, passed in the seventh Year of the Reign of his present Majesty, shall produce such Books and Lists, and pass their Accounts, before the Justices at their respective Special Sessions, to be holden within their respective Limits, in the Week next after the Michaelmas Quarter Sessions, in the Year one thousand seven hundred and seventy-three, and pay the Balances thereof, in such Manner as they ought to have done at the Special Sessions, which was by the said Act to have been held on the first Monday in October, or within fifteen Days after; and if the

- No. 1. Justices shall appoint any Surveyor or Surveyors under the  
 13 George III. Authority of the said Act, such Appointment shall be void,  
 c. 78. and of no Effect.

Exceptions  
 relative to  
 Bristol;

LXXXV. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained, touching the making and returning Lists of Persons qualified to be Surveyors of the Highways, and the Appointment of such Surveyors, nor the Repeal of Part of an Act, made in the third Year of King *William* and Queen *Mary*, relating to such Surveyors, shall extend, or be construed, deemed, or taken, to extend to the City of *Bristol*; but that the several Acts of Parliament which have been passed previous to this Act, relative to Surveyors of the Highways, and to cleansing, paving, lighting, and regulating the Streets and other Places within the said City, shall remain in full Force, and be executed in as full and ample Manner and Form; to all Intents and Purposes, as the same might or ought to have been, if this Act had never been made.

and Saint Ma-  
 ry Matfelon,  
 &c.

LXXXVI. Provided also, That nothing in this Act contained shall extend, or be deemed or construed to extend, to the Parish of *Saint Mary Matfelon*, otherwise *Whitechapel* and *Saint John of Wapping*, in the County of *Middlesex*, or either of them.

Powers of  
 Commissioners  
 of Sewers not  
 abridged.

LXXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to alter, restrain, or abridge, the Powers or Authorities, given to the Commissioners of Sewers by any Act or Acts of Parliament whatsoever, or to vary or alter any of the Provisions or Regulations thereby made, directed, or provided, any Thing herein contained to the contrary thereof in any wise notwithstanding.

The SCHEDULE (stating the Forms) to which this Act refers.

No. I. Warrant for calling the Meeting of the Household-ers, &c. and for fixing that of the Justices for appointing Surveyors.

*Middlesex.* To the Constables, *Hundred*, and Tithingmen, within the (Hundred) Riding) Division) Liberty) or Precinct), as the Case shall be, in the said County.

IN order to carry into Execution an Act made in the thirteenth Year of the Reign of his Majesty King *George* the Third, for the Amendment and Preservation of the publick Highways, You are hereby severally required forthwith to give publick Notice to the Churchwardens, Surveyors of the Highways, and Household-ers, being assessed to any parochial or publick Rate within your respective Liberties, that they do assemble on the twenty second Day of *September* next, at the Church or Chapel, or if

there shall be no Church or Chapel, then at the usual Place of publick Meetings within their respective Liberties, at the Hour of Eleven in the Forenoon; and that the major Part of them so assembled do make a List of the Names of at least ten Persons living therein, who each of them have an Estate in Lands, Tenements, or Hereditaments, lying within the same, in their own Right, or in Right of their Wives, of the Value of ten Pounds by the Year; or a personal Estate of the Value of one hundred Pounds; or are Occupiers or Tenants of Houses, Lands, Tenements, or Hereditaments, of the yearly Value of thirty Pounds; And if there shall not be ten Persons having such Qualifications, then that they do insert in such List the Names of so many of such Persons as are so qualified, together with the Names of the most sufficient and able Inhabitants not so qualified, as shall make up the Number ten, if so many can be found, if not, so many as shall be there resident, to serve the Office of Surveyor of the Highways; And you are also severally required, within three Days after making the said List, to deliver a Copy thereof to one of the Justices of Peace of the said (*Hundred Riding*) Division, &c.) *as the Case shall be* living in or near the same (*Parish, &c.*); and also to give personal Notices to, or cause Notices in Writing to be left at the Places of Abode of the several Persons contained in such List, informing them of their being so named, to the Intent that they may severally appear before the said Justices at their Special Sessions to be holden at \_\_\_\_\_ within the said (*Hundred, &c.*) on the

No. 1.  
George III.  
c. 78.

Day of \_\_\_\_\_ now next ensuing, at the Hour of \_\_\_\_\_ in the Forenoon of the same Day, to accept such Office, if they shall be appointed thereto, or to shew Cause, if they have any, against their being appointed; and you are likewise to give Notice to the present Surveyors of the Highways, within your respective Liberties, to appear at the same Time and Place, and produce such Accounts and Lists before the said Justices as are required by the said Act; and you, and each of you, are personally to appear before the said Justices, at their said Special Sessions, and then and there severally deliver to the said Justices the said original List or Lists taken within your respective Liberties, and give an Account of the Execution of this our Precept.

Given under our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord, 17\_\_\_\_.

No. II. List of Persons to be returned to the Justices.

A List of the several Persons named for Surveyors of the Highways for the (insert the Name of the Parish, Township, or Place) at a Meeting held at \_\_\_\_\_ in the said (Parish, &c.) the \_\_\_\_\_ Day of \_\_\_\_\_ 17\_\_\_\_

A. B.  
C. D. &c.

WE whose Names are subscribed, being two Parts in three of the Persons assembled at the Meeting aforesaid, do

This to be attested when a p...

No. I. agree in the Choice of A. B. as a fit Person to serve the Office  
 1; George III. of Surveyor for the (*insert the Parish, &c.*) aforesaid, and in  
 c. 78. the Allowance to him of for his Trouble in executing  
 ticular Person is the same for the Year ensuing; and we do recommend the said  
 recommended. A. B. to the Justices for their Appointment accordingly.

No. III. Notice to the Persons contained in the List.

A. B. take Notice, That you was at a Meeting held at  
 (*insert the Name of the Parish, &c.*) on the  
 Day of named as one of the Persons to be returned to  
 the Justices as fit to serve the Office of Surveyor for the said  
 (*Parish, &c.*) for the Year ensuing; and if you have any Cause  
 to shew why you should not be appointed to serve such Office,  
 you must make the same appear before the Justices, at their  
 Special Sessions, to be holden at on the Day  
 of next.

A. B. { Constable,  
 Headborough, or  
 Tithingman,  
 (as the Case shall be.)

No. IV. Order to the (*Constable, &c.*) to return to the  
 Justices the Amount of a Sixpenny Assessment.

Middlesex. To the (*Constable, &c.*) of

YOU are hereby required to return to us, and the other Jus-  
 tices, to be assembled at the Special Sessions to be held  
 at for the (*Hundred, &c.*) of in the said County,  
 on the Day of next, the Amount of the last  
 Assessment of Sixpence in the Pound, for the Use of the High-  
 ways within your Liberty, if any such has been raised; if not,  
 what you apprehend, from the best Information you can get,  
 an equal Assessment of Sixpence in the Pound upon all and  
 every the Occupiers of Lands, Tenements, Woods, Tithes,  
 and Hereditaments, within the said Liberty, according to their  
 yearly Value, will amount to.

Given under our Hands this Day of 17

No. V. Return to the Justices of the Amount of a  
 Sixpenny Assessment.

To the Justices, assembled at their Special Sessions at the  
 Day of 17

IN obedience to your Order, I do return and certify, That  
 the last Assessment of Sixpence in the Pound, for the Use  
 of the Highways, within the Liberty of amounted to  
 the Sum of

(If no Assessment of Sixpence in the Pound hath been made, then  
 as under.)

IN obedience to your Order, I do return and certify, That no  
 Assessment been made of Sixpence in the Pound, for

the Use of the Highways, within the Liberty of                      but I apprehend, from the best Information which I have been able <sup>13</sup> to get, that an equal Assessment of Sixpence in the Pound, upon all the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the said Liberty, will amount to the Sum of

No. 1.  
George III.  
c. 78.

A. B. (Constable, &c.)

#### No. VI. Appointment of a Surveyor.

Middlesex. At a Special Sessions held at                      in the  
Hundred of                      by Justices of the Peace for the  
said County, acting within the said Hundred; on the  
Day of                      17

WE do hereby nominate and appoint A. B. &c. of *(Insert the Name of the Parish, &c. where he lives)* in the said Hundred, Surveyor (or Surveyors of the Highways within the the said *(Parish, &c.)* for the Year ensuing, (and we do allow the said A. B. the Salary of                      for his Trouble): And you the said A. B. are faithfully and truly to execute the said Office of Surveyor, according to the Directions of the Statute, passed in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways," an Abstract of the material Parts of which Statute is hereunto annexed.

This is to be inserted when a Surveyor is appointed with a Salary.

Given under our Hands and Seals, the Day and Year above mentioned.

#### No. VII. Bond from the Surveyor.

WE A. B. Surveyor of the Highways for the *(Parish, Township, &c.)* of                      and C. D. of                      are bound to E. F. of                      aforesaid, in the Sum of Pounds, to be paid to the said E. F. his Executors, Administrators, or Assigns; for which Payment we hereby bind ourselves severally, and each of our Heirs, Executors, and Administrators.

Dated the                      Day of                      17

The Condition of this Bond is such, that if the said A. B. his Executors or Administrators, shall duly and faithfully account for, apply, and pay all and every the Sum and Sums of Money which shall come to his Hands, as Surveyor of the Highways, for the *(Parish, &c.)* according to the Direction and true Intent and Meaning of the Statute made in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways," then this Bond to be void, or else to remain in full Force.



No. 1. No. VIII. Appointment of an Assistant to the Surveyor.  
13 George III.  
c. 78.

Middlesex. *At a Special Sessions held at in the Hundred of by Justices of the Peace for the said County, acting within the said Hundred, on the Day of 17*

"E do hereby nominate and appoint C. D. a substantial Inhabitant of the (*Parish, &c.*) of in the said Hundred, Assistant to A. B. whom we have appointed Surveyor of the Highways for the said (*Parish, &c.*); and you the said C. D. are to the best of your Skill and Judgement, to assist the said Surveyor, whenever requested by him, in calling in and attending the Performance of the Statute Duty, in collecting the Compositions, Fines, Penalties, and Forfeitures, and in making and collecting the Assessments, and in making out and serving the Notices authorised by the Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways," and in such other Matters and Things as shall be reasonably required of you by the said Surveyor, in the Execution of his Office of Surveyor, pursuant to the said Act; and you are justly and truly to account with, and pay to the said Surveyor, or to his Order, the Money which shall come to your Hands by the Means aforesaid.

Given under our Hands and Seals the Day and Year above mentioned.

No. IX. Oath to be administered to the Surveyor upon passing his Accounts.

I A. B. do swear, That the Accounts now produced and delivered by me, as Surveyor of the Highways for the (*Parish, &c.*) of for the last Year, are just and true, to the best of my Knowledge. So help me God.

No. X. Allowance of the Accounts.

October 17,

THESE Accounts were examined and allowed before

No. XI. Notice from the Surveyor to remove Nuisances and Obstructions, and to cut Hedges, &c.

To C. D. of

To remove  
Nuisances and  
Obstructions.

IN pursuance of the Directions given by the Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways." I A. B. Surveyor of the Highways for the (*Parish, &c.*) of do hereby give you Notice, forthwith to remove the (*Dung*) Timber) Stone, &c.) placed by you in a certain Part of the King's Highway, lying between in the (*Parish, &c.*) of

to the Obstruction and Annoyance of the said Highway: Or, (forthwith to cut, prune, and plash the Hedges, and cut or prune the Trees, and to open, cleanse, and scour the several Ditches and Watercourses, belonging to you) in or near the Highway, lying between and in the (Parish, &c.) of to the Intent that the Water may be drained from the said Highway, and that the Sun and Wind may not be excluded from such Highway, to the Prejudice thereof.

No. 1.  
George III.  
c. 78.

To cut and  
prune Hedges  
and to cut or  
prune Trees,  
and to open and  
scour Ditches  
and Water-  
courses.

. Dated this Day of 17 A. B.

No. XII. Allowance of Charges and Expences paid by Surveyors, which are to be repaid by the Possessors of the Lands, &c. and Order of the Justice for that Purpose.

*Middlesex.* WHEREAS Complaint hath been made unto me, A. B. Esquire, one of his Majesty's Justices of the Peace of the said County, by the Oath of Surveyor of the Highways for the Parish of in the said County, that C. D. of having had due Notice to cut and prune his Hedges, and cleanse and scour his Ditches and Watercourses, within or adjoining to the publick Highway between and in the said Parish of hath neglected to do the same within the Time required by such Notice, and that the said hath caused the same respectively to be cut, prune, cleansed, and scoured, pursuant to the Directions of this Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways," and hath expended therein the Sum of as appears by an Account now produced to me, which I think a reasonable Charge, and do therefore allow the same, and hereby order the said C. D. to pay the said Sum of to the said within six Days from the Time of his being served with this Order.

Given under my Hand and Seal, this Day of 17

No. XIII. Order of a Justice of Peace to make new Drains.

*Middlesex.* To C. D. of Surveyor of the Highways for the (Parish, &c.) of

WHEREAS Complaint hath been made to to me A. B. Esquire, one of his Majesty's Justices of the Peace for the said County, that the Ditch, Gutter, or Watercourse, for conveying the Water from the Highway at in the (Parish, &c.) of in the said County, is not sufficient for that Purpose, and that the cleansing and opening the same will not effectually carry off the said Water, but that the said Highway may be effectually drained, and the Water carried off, by making a new Ditch or Drain through the Lands or Grounds of lying near the same for the Length of

No. 1. Yards, and the Breadth of Feet; and the  
 13 George III. said having been duly summoned to appear before  
 c. 78. me, to shew Cause, if he had any, why the said Ditch or  
 Drain should not be made, and the said not appearing,  
 or (not shewing sufficient Cause against the same), and it ap-  
 pearing to me that such Ditch or Drain is necessary, I do  
 hereby order and require you to enter into and upon the said  
 Lands of the said and there make, or cause to be  
 made, a new Ditch or Drain, of the Length and Breadth  
 aforesaid, and of a convenient Depth, making or tendering  
 sufficient Satisfaction to the said for the Damages to  
 be done thereby, within one Calender Month after the same  
 shall be so made; such Damages to be settled and ascertained  
 in Manner directed by the Act, passed in the thirteenth Year  
 of the Reign of his Majesty King George the Third, "For the  
 Amendment and Preservation of the Highways."  
 Given under my Hand, this Day of 17

No. XIV. Notice of Application to be made for an  
 Assessment.

*Middlesex.* NOTICE is hereby given, that Application will  
 be made to the Justices of the Peace acting  
 for the (*Hundred*) of in the said County, at their  
 Special Sessions, to be held at in the said (*Hundred*),  
 on the Day of one thousand seven hun-  
 dred for an equal Assessment to be made, not ex-  
 ceeding in the Pound, upon all and every the Occu-  
 piers of Lands, Tenements, Woods, Tithes; and Heredita-  
 ments, within the (*Parish, &c.*) of for the Use and  
 Benefit of the Highways, within the said (*Parish, &c.*)  
 Dated this Day of 17

A. B. Surveyor.

No. XV. Order at a Special Sessions for an Assessment  
 of Sixpence in the Pound.

*Middlesex.* At a Special Sessions for the Highway, held  
 at in the *Hundred* of in the said County,  
 the Day of 17 by Justice of Peace  
 for the said County acting within the said *Hundred*.

UPON Application made to us by the Surveyor of the  
 Highways for the (*Parish, &c.*) of and upon  
 Evidence given upon Oath before us, (that the Duty directed  
 to be performed, and the Money authorised to be collected  
 and received, by an Act, passed in the thirteenth Year of the  
 Reign of his Majesty King George the Third, "For the  
 Amendment and Preservation of the Highways," have been  
 performed, applied, and expended, according to the Direc-  
 tions of the said Act:) Or, (We are fully satisfied, that the  
 Common Highways, Bridges, Causeways, Streets and Pave-  
 ments, belonging to the (*Parish, &c.*) of are so far  
 out of Order, that they cannot be sufficiently amended and

repaired, paved, cleansed, and supported, by the Means prescribed by the said Act :) And it appearing to us, that Notice has been duly given of such intended Application, according to the Direction of the said Act, we do hereby order, direct, and appoint, that an equal Assessment, not exceeding the Sum of No. 1. George III. c. 78. in the Pound, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the said (*Parish, &c.*) of shall be forthwith made by the said Surveyor, and shall be allowed by one Justice of the Peace for the said Hundred, and shall be collected by the said Surveyor, and that the Money so to be assessed and collected shall be applied for and towards the amending, repairing, paving, cleansing, and supporting such Highways, Causeways, Streets, Pavements, and Bridges, (*and for buying Materials, making Satisfaction for Damages, erecting Guide-posts, and paying the Surveyor's Salary*), according to the Direction and true Intent and Meaning of the said Act.

If no Assessment has been made for buying Materials, &c. this may amount to Nine pence in the Pound; but if a Sixpence Assessment had been made before, it must be only Three-pence. These latter Words may be added here, if there has been no former Assessments for those Purposes.

A. B.

C. D.

No. XVI. Order of two Justices for [*widening*] or [*diverting and turning*] a Highway.

*Middlesex.* **W**E, two of his Majesty's Justices of the Peace for the said County, acting within the (*Hundred, &c.*) of within the said County, having, upon View, found that a certain Part of the Highway between and in the (*Parish, &c.*) of in the said (*Hundred*), for the Length of Yards, or thereabouts, and particularly described in the Plan hereunto annexed, is for the greatest Part thereof narrow, and cannot be conveniently enlarged and made commodious for Travellers, without diverting and turning the same; and having viewed a Course proposed for the said new Highway, through the Lands and Grounds of and of the Length of Yards, or thereabouts, and of the Breadth of Feet, or thereabouts, particularly described in the Plan hereunto annexed, which we think will be much more commodious to the Publick; we do hereby order, that the said Highway be *diverted and turned* through the Lands, aforesaid; and that the Surveyor of the Highways for the (*Parish, &c.*) of where the said old Highway lies, do forthwith proceed to treat and make Agreement with the said and for the Recompence to be made for the said Ground, and for the making such Ditches and Fences as shall be necessary, in such Manner, with such Approbation, and by pursuing such Measures and Directions in all Respects, as are warranted and prescribed by the Statute, made in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways:" And in case such Agreement

(When it is only to be widened, leave out the Words in Italic, and insert,) But may be conveniently enlarged and widened, by adding thereto from, or, widened, and enlarged.

No. 1. shall be made as afore-said, we do order an equal Assessment,  
 13 George III. not exceeding the Rate of six Pence in the Pound, to be  
 c. 78. made, levied, and collected upon all and every the Occupiers  
 of Lands, Tenements, Woods, Tithes, and Hereditaments,  
 in the said (*Parish, &c.*) of and that the Money arising  
 thereupon be paid and applied in making such Recompence  
 and Satisfaction, as aforesaid, pursuant to the Directions of  
 the said Act.

A. B.

C. D.

No. XVII. Certificate from the said Justices to the  
 Court of Quarter Sessions.

This is to be  
 wrote upon the  
 above Order  
 when no Agree-  
 ment can be  
 made.

To the Justices of the Peace, at their General Quarter Sessions,  
 to be held at in the said County, the Day  
 of 17

WE the within named A. B. and C. D. do hereby certify  
 to the said Court of Quarter Sessions, that we made  
 and signed the within Order, and that with our Approbation,  
 and by our Direction, the said Surveyor hath treated with the  
 said and for the said Lands required for the  
 Purposes aforesaid, but was not able to make any Agreement  
 for that Purpose with them, or either of them; and that he  
 tendered to the said the Sum of and to the  
 said the Sum of as a Recompence for the said  
 Ground, and for the making the said Ditches and Fences,  
 which they, and each of them, refused to receive.

A. B.

C. D.

No. XVIII. Order for stopping up the old Highway,  
 and selling the Land and Soil thereof.

If there are  
 more Highways  
 than one to be  
 stopped up, there  
 should be a se-  
 parate order for  
 each.

This is to be in-  
 serted where  
 necessary, and  
 to be varied as  
 the Circum-  
 stances of the  
 Case may re-  
 quire.

WE whose Names are subscribed, being the Justices  
 of the Peace who have viewed the several Highways  
 described in the Plans hereunto annexed, and made an Order  
 for diverting the old Highway; and being satisfied that the  
 new Highway therein described is properly made, and fit for  
 the Reception of Travellers, do hereby order the said old  
 Highway, being of the Length of Yards, and of  
 the Breadth of Feet, upon a Medium, as appears by  
 the said Plan, to be stopped up, and the Land and Soil thereof  
 to be sold by the said Surveyor to whose Land ad-  
 joins thereto; if he shall be willing to purchase the same, for  
 the full Value thereof, if not, to some other Person or Persons,  
 for the full Value thereof: (Reserving nevertheless to a  
 free Passage for Persons, Horses, Cattle, and Carriages,  
 through the Land and Soil of the said old Highway to and from  
 the (*Land, &c.*) belonging to him, called according  
 to his ancient Usage thereof.)

No. XIX. Certificate to be wrote under the Order above-mentioned.

No. 1.  
13 George III.  
c. 78.

**W**E, the above-named Justices, do certify, That the old Highway, herein-before mentioned and described, was sold by the said Surveyor to \_\_\_\_\_ with our Approbation, for the Sum of \_\_\_\_\_ which Sum we do order the said \_\_\_\_\_ to pay to the said Surveyor, to be applied in purchasing the Land, and making the said new Highway; and if any Surplus remains, we do order that the same shall be applied for the Use of the Highways within the said (*Parish, &c.*) of \_\_\_\_\_

No. XX. Receipt for the Purchase-money to be indorsed upon, or wrote under, the Certificate above-mentioned.

**R**ECEIVED the \_\_\_\_\_ Day of \_\_\_\_\_ from the said \_\_\_\_\_ the Sum of \_\_\_\_\_ being the full Consideration-money for the Purchase of the said old Highway herein-before described, pursuant to the said Orders and Certificate.

No. XXI. Order of two Justices for diverting and turning a (*publick Highway, Bridleway, or Footway, as the Case shall be*) through the Lands of any Person who consents thereto.

*Middlesex.* **W**E, \_\_\_\_\_ and \_\_\_\_\_ Esquires, two of his Majesty's Justices of Peace for the said County, at a Special Sessions held at \_\_\_\_\_ in the Hundred of \_\_\_\_\_ in the said County, on the \_\_\_\_\_ Day of \_\_\_\_\_ one thousand seven hundred \_\_\_\_\_ having, upon View, found, that a certain Part of a (*Highway, &c.*) within the (*Parish, &c.*) of \_\_\_\_\_ in the said Hundred, lying between \_\_\_\_\_ and \_\_\_\_\_ for the Length of \_\_\_\_\_ Yards, or thereabouts, and particularly described in the Plan hereunto annexed, may be diverted and turned so as to make the same nearer (*or more commodious*) to the Publick; and having viewed a Course, proposed for the new Highway, in lieu thereof, through the Lands and Grounds of \_\_\_\_\_ of the Length of \_\_\_\_\_ Yards, or thereabouts, and of the Breadth of \_\_\_\_\_ Feet, or thereabout, particularly described in the Plan hereunto annexed, and having received Evidence of the Consent of the said \_\_\_\_\_ to the said new Highway, being made through his Lands herein before described, by Writing under his Hand and Seal, we do hereby order that the said Highway be diverted and turned through the Lands aforesaid; and we do order an equal Assessment, &c. (*in the same Form as before mentioned.*)

No. XXII. Consent from the Owners of the Land through which a new Highway is proposed to be made.

**I** A. B. of \_\_\_\_\_ in the County of \_\_\_\_\_ being Owner of the Lands described in the Plan hereunto annexed, through  
Q q q

No. 1. which Part of a certain Highway, lying between                      and  
 13 George III. is intended to be diverted and turned (in consideration  
 c. 78. of the Sum of                      to be paid to me for the said Land, and  
 the Soil thereof), or, (in consideration of said old Highway be-  
 ing sold, exchanged, and to be vested in me, and also the Sum  
 of                      to be paid to me, (as the Case may be), do hereby  
 consent to the making and continuing such new Highway  
 through my said Lands.

Given under my Hand and Seal, this                      Day of                      17

No. XXIII. Licence from Justices of Peace, at a Special Sessions, to get Materials for the Repair of the Highways in another Parish, besides that wherein such Materials are to be employed.

Middlesex. At a Special Sessions, held at                      for the  
 (Hundred) of                      in the said County, by Justices of the  
 Peace for the said County, acting within the said (Hundred),  
 on the                      Day of                      17

IT appearing to us, upon Evidence this Day received, that sufficient Materials, cannot conveniently be had within the Waste Lands, Common Grounds, Rivers, or Brooks, nor in the inclosed Lands or Grounds lying within the (Parish, &c.) of A. in the said (Hundred), for the Repair of the Highways within the said (Parish, &c.) nor in the Waste Lands, Common Grounds, Rivers, or Brooks, within the (Parish) of B. adjoining to the said (Parish, &c.) of A. we do hereby give our Licence to the Surveyor for the said (Parish) of A. to search for, dig, get, and carry Sand, Gravel, Chalk, Stone, and other Materials, within the inclosed Lands or Grounds of C. D. within the said (Parish, &c.) of B. to be employed in the Repair of the Highways within the said (Parish) of A. it appearing from Evidence laid before us, that there are proper Materials within the said Lands for the Purposes aforesaid, lying convenient to the said Highways; and that after such Materials shall be so taken, there will be sufficient left for the Use of the Highways within the said (Parish) of B. upon the said Surveyor making Satisfaction and Recompence for the same, in the Manner directed by the Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways," subject to such Restrictions as are therein contained.

Given under our Hands and Seals, the Day and Year above  
 Written.

A. B.  
 C. D.

No. XXIV. Licence from a Justice of Peace, for a Surveyor to gather Stones upon inclosed Lands, for the Repair of the Highways. No. 1.  
George III.  
c. 78.

Middlesex. To the Surveyor of the Highways for the (Parish) of in the (Hundred) of in the said County.

**W**HEREAS by an Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways," the Surveyors are authorised to gather Stones lying upon any Lands or Grounds within their Liberty, for the Use and Benefit of the Highways, but not without the Consent of the Occupiers of such Lands, or a Licence from a Justice of Peace for that Purpose: And whereas it appears to me, E. F. one of his Majesty's Justices of the Peace for the said County, and acting within the said (Hundred, &c.) upon the Oath of the said Surveyor, that he hath applied to A. B. of for his Consent to gather Stones from the Lands called or known by the Names of and in his Occupation, within the said (Parish, &c.) for the Purposes aforesaid, and that the said Stones are necessary for the Repair of the said Highways, and that the said A. B. hath refused to permit the same to be gathered; and the said A. B. having been duly summoned to appear before me, to shew Cause why such Permission should not be granted, and (having appeared before me accordingly;) or, (having sent his Steward or Agent;) or, (C. D. on his Behalf, to attend me on that Occasion;) or, (but not having appeared) I have heard what has been alledged, and taken the said Matter into Consideration, and am of Opinion, that the said Stones are necessary, and ought to be gathered and carried away for the Purposes aforesaid; therefore I do hereby give my Licence to the said Surveyor to take and carry away the same accordingly.

Given under my Hand and Seal, the Day of 17

No. XXV. Notice to perform Statute-duty (to be given four Days before the Day on which the Duty is to be performed.)

**A.** B. you are hereby required to send a Team, with two able Men, to within the (Parish, &c.) of on the and Days of next, at o'Clock in the Morning of each Day, in order to perform such Duty upon the Highways within the said as shall be required by the Surveyor, pursuant to the Direction of the Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways." (When Personal Labour is required), you are hereby required, by yourself, or a sufficient Labourer, to attend, &c.

If he does not occupy Lands, &c. of the yearly Value of 30l. in such Parish, &c. he is only to send one Man.

If a Waggon or a Cart with two Horses, or one Horse only, is required, let it be expressed.

Dated this Day of 17

Q q q 2



No. 1.  
13 George III.  
c. 75.

## XXVI. Notice for Compositions.

**N**OTICE is hereby given, That all Persons who are inclined to compound for their Statute-duty within the (*Parish, &c.*) of are hereby required to signify their Intention to compound for the same to the Surveyor of the Highways for the said (*Parish, &c.*) at the House of of on the Day of this Instant *November*, between the Hours of and and they are hereby required, at the same Time, or within the Space of one Month after, to pay their Composition-money to the said Surveyor; and also, that all Persons who are liable to pay Money for the Lands, Tenements, Woods, Tithes, and Hereditaments, which they occupy, or, in lieu of their Duty within the (*Parish, &c.*) according to the Act made in the thirteenth Year of his Majesty King George the Third, "For the Amendment and Preservation of the Highways," are required to pay the same to the said Surveyor, on the Day, or within the Time aforesaid.

Dated this

Day of *November*, 17

A. B. Surveyor.

## No. XXVII. Order for Statute-duty to be performed in Kind.

Middlesex. At a Special Sessions, held at in the (*Hundred*) of in the said County, the Day of 17 by Justices of the Peace for the said County, acting within the said (*Hundred*.)

**I**T appearing to us, from the Information which we have received, that there will be Difficulty in procuring the necessary (*Carriage*), or, (*a sufficient Number of Labourers*) (*as the Case shall be*) for the Repair of the Highways within the (*Parish, &c.*) of within the said (*Hundred*) without paying high and extravagant Prices for the same, we do hereby order and direct (the Team-duty within the said (*Parish, &c.*) except such Teams where the Owners thereof do not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, within the said (*Parish, &c.*) of the annual Value of thirty Pounds), or, (one Half of the Team-duty, &c.) or, the Labourers liable to perform Statute-duty within the said (*Parish, &c.*) (*as the Case shall be*) to perform Statute-duty in Kind within the said (*Parish, &c.*) according to the Authority and Directions of the Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways."

## No. XXVIII. Notice to the Surveyor of the Times fixed by the Inhabitants for being excused from doing their Statute-duty.

To the Surveyor of the Highways for the (*Parish, &c.*) of in the County of

**I** A. B. (*Constable, Headborough, Tithingman,*) of the said (*Parish, &c.*) do hereby give you Notice, That the Inha-

bitants of the said (*Parish, &c.*) did, at a Vestry or publick Meeting, held on the      Day of      one thousand <sup>13</sup> seven hundred      agree to take the Benefit of the Indulgence of three Months, for not performing their Statute duty given by the Legislature, in the Act passed in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways," at the Times following, *videlicet*, That they shall not be called upon to perform such Duty between the      Day of      and the      Day of      (which they consider as the Seed Month) nor between the      Day of      and the      Day of      (which they consider as the Harvest Month), nor between the      Day of      and the      Day of      (which they consider as the Corn Harvest Month: [*The like Notice to be given to the Surveyor or Surveyors of the Turnpike Roads, where there are any such within the (Parish, &c.)*])

No. 1.  
George III.  
c. 78.

No. XXIX. Order of the Justices at their Special Sessions, for the Repair of certain Highways which most want Repair.

Middlesex. *At a Special Sessions, held at      in the (Hundred) of      in the said County, the Day of      17      by Justices of the Peace for the said County acting within the said (Hundred).*

*To the Surveyors of the Highways for the (Parish, &c.) of      in the said (Hundred).*

**I**T appearing to us, That the Highway, lying between      and      within your Liberty, is very founderous, and in bad Repair, and being of great publick Use, we do hereby order that you repair; or cause the same to be repaired, before the      Day of      next.

Given under our Hands and Seals, this      Day of      17

No. XXX. A Precept for erecting Guide Posts, &c.

Middlesex. *At a Special Sessions, held at      for the (Hundred) of      in the said County, before Justices of the Peace for the said County, acting within the said (Hundred), on the      Day of      17*

*To the Surveyor of the (Parish) of      in the said (Hundred).*

**Y**OU are hereby required forthwith to erect, or cause to be erected, in the most convenient Place, upon the Highway lying between      and      within your Liberty, where the Roads cross or branch out, a Guide-post, with proper Inscriptions painted on both Sides thereof, in large legible Letters, denoting the Towns of      and      (or other Places, as the Justices shall think most proper.)

[*Where graduated Stones or Posts are necessary to prevent Accidents from deep Waters, &c. say it as under:*] (In the most convenient Place upon the Highway, at the Approach or Entrance

No. 1. on each Side of the Ford or Water called at within  
 13 George III. your (*Liberty*), graduated Posts, denoting the Depth of Water  
 c. 78. in the deepest Part thereof, through which such Highway  
 passes; and you are allowed to charge the reasonable Expences  
 of providing and erecting the same in your Accounts.)

A. B.

C. D.

No. XXXI. Notice for holding a Vestry, or other  
 publick Meeting.

NOTICE is hereby given, That a Vestry or publick Meet-  
 ing will be held at on the Day of  
 next, at the Hour of in the noon, in order to  
 consult about the Times when it will be most convenient for  
 the Inhabitants of this (*Parish*, &c.) to be excused from being  
 called forth to perform their Statute-duty, according to the In-  
 dulgence given them by the Act passed in the thirteenth Year  
 of the Reign of his Majesty King George the Third, "For the  
 Amendment and Preservation of the Highways."

Dated the Day of 17

A. B. (Constable,) (Headborough,) &amp;c.

No. XXXII. Presentment by a Justice of Peace.

Middlesex. AT the General Quarter Sessions of the Peace  
 of our Lord the King, held for the said  
 County at in the said County, on (*Tuesday*) the  
 Day of in the Year of the  
 Reign of before Esquires, and others  
 their Companions, Justices of our said Lord the King, assigned  
 to keep the Peace in the said County, and also to hear and deter-  
 mine divers Felonies, Trespasses, and other Misdemeanours  
 in the said County committed; A. B. Esquire, one of the  
 Justices of our said Lord the King, assigned for the Purposes  
 aforesaid, by virtue of an Act, made in the thirteenth Year of  
 the Reign of his Majesty King George the Third, "For the  
 Amendment and Preservation of the Highways," (upon his  
 own View), or (upon Information, upon Oath, to him given  
 by C. D. Surveyor of the Highways for the (*Parish*, &c.)  
 of in the said County,) doth present, that from the  
 Time whereof the Memory of Man is not to the contrary,  
 there was, and yet is, a certain common and ancient King's  
 Highway leading from the Town of in the said  
 (*County*, &c.) towards and unto within the same  
 (*County*,) used for all the King's Subjects, with their Horses,  
 Coaches, Carts, and Carriages, to go, return, and pass, at  
 their Will; and that a certain Part of the same King's com-  
 mon Highway, commonly called situate, lying,  
 and being in the (*Parish*, &c.) of  
 in the same (*County*), containing in length  
 Yards, and in Breadth, Feet, on the Day of  
 in the Year of the Reign of and

This to be  
 inserted where  
 it is upon the  
 Information of  
 the Surveyor.

continually afterwards until the present Day, was, and yet is, very ruinous, deep, broken, and in great Decay, for Want of due Reparation and Amendment, so that the Subjects of the King, through the same Way, with their Horses, Coaches, Carls, and Carriages, could not, during the Time aforesaid, nor yet can, go, return, or pass, as they ought and were wont to do, to the great Damage and common Nuisance of all the King's Subjects through the same Highway, going, returning, or passing, and against the Peace of our said Lord the King; and that the Inhabitants of the (*Parish*, &c.) of                      aforesaid, in the (*County*) aforesaid, the said common Highway (*so in Decay*) ought to repair and amend, when and so often as it shall be necessary.

In Testimony whereof, the said A. B. to these Presents  
hath set his Hand and Seal, this                      Day of  
in the Year aforesaid.

**No. XXXIII. Summons for any Person or Persons to attend a Justice or Justices.**

**Middlesex.**

To A. B. of

WHEREAS Complaint and Information hath been made upon Oath before me C. D. one of his Majesty's Justices of the Peace for the said (County, &c.) by E. F. of That, &c. (*Here state the Nature and Circumstances of the Case as far as it shall be necessary to shew the Offence, and to bring it within the Authority of the Justice, and in doing that, follow the Words of the Act as near as may be,*) These are therefore to require you personally to appear before me (or the Justices, to be assembled at their Special Sessions to be holden,) at \_\_\_\_\_ in the said (County, &c.) on the \_\_\_\_\_ Day of \_\_\_\_\_ next, at the Hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, to answer to the said Complaint and Information, made by the said E. F. who is likewise directed to be then and there present, to make good the same : Herein fail not.

Given under my Hand and Seal, this                      Day of                      17

**No. XXXIV. Information.**

*Middlesex.* **B**E it remembered, That on the Day of  
17 A. B. of in the said  
County, informeth and maketh Oath before me one  
of his Majesty's Justices of the Peace for the said County, that  
of in the said County *(Here describe the Offence,*  
*and if it is for Default in performing Statute-duty, state the Duty*  
*required, and the Notice given for that Purpose, and the Neglect*  
*according to the Fact, and as near the Words of the Act as may*  
*be),* contrary to the Statute made in the thirteenth Year of the  
Reign of his Majesty King George the Third, "For the Amend-  
ment and Preservation of the Highways," which hath imposed  
a Forfeiture of for the said Offence.

**A. E.**

Taken and sworn, the }  
Day of before me, } .

No. 1.  
15 George III.  
c. 78.

### No. XXXV. Form of Conviction.

*Middlesex.* **B**E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord 17 \_\_\_\_\_ at \_\_\_\_\_ in the County aforesaid, *A. B.* came before me *C. D.* Esquire, one of his Majesty's Justices of the Peace for the said County, and informed me, that *E. F.* of \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ now last past, at \_\_\_\_\_ in the said County, did [*Here set forth the Fact in the Manner described by the Statute*], whereupon the said *E. F.* after being duly summoned to answer the said Charge, appeared before me \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ at \_\_\_\_\_ in the said County, and having heard the Charge contained in the said Information, declared, that he was not guilty of the said Offence; but the same being fully proved upon the Oath of *G. H.* a credible Witness, it manifestly appears to me the said Justice, that he the said *E. F.* is guilty of the Offence charged upon him, in the said Information: It is therefore considered and adjudged by me, the said Justice, that the said *E. F.* be convicted, and I do hereby convict him of the Offence aforesaid; and I do hereby declare and adjudge that he the said *E. F.* hath forfeited the Sum of \_\_\_\_\_ of lawful Money of Great Britain, for the Offence aforesaid, to be distributed as the Law directs, according to the Form of the Statute in that Case made and provided. Given, &c.

This is to be inserted where the Party refuses to appear upon the Summons.

*After the Words, "being duly summoned to answer the said Charge," insert, (did not appear before me, pursuant to the said Summons); or, (did neglect and refuse to make any Defence against the said Charge, but the same being fully proved, &c.) as before.*

This is to be inserted when the Party accused confesses the Charge.

*After the Words, "contained in the said Information," insert (acknowledged and voluntarily confessed the same to be true, and it manifestly appears to me the said Justice, &c.), as above.*

### No. XXXVI. Warrant to distrain for the Forfeiture.

*Middlesex.* To the (Constable) Headborough) or Tithingman) of \_\_\_\_\_

**W**HEREAS *A. B.* of \_\_\_\_\_ in the said County (*Yeoman*) is this Day convicted before me *C. D.* Esquire, one of his Majesty's Justices of the Peace in and for the said County, upon the Oath of *G. H.* a credible Witness, for the said *A. B.* hath [*Here set forth the Offence, describing it particularly in the Words of the Statute, as near as may be*] contrary to the Statute in that Case made and provided, by reason whereof the said *A. B.* hath forfeited the Sum of \_\_\_\_\_ to be distributed as herein is mentioned, which he hath refused to pay: These are therefore, in his Majesty's Name, to command you to levy the said Sum of \_\_\_\_\_ by Distress of the Goods and Chattels of him the

said *A. B.* and if within the Space of four Days next after such Distress, by you taken, the said Sum, together with the reasonable Charges of taking and keeping the same, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale, that you do pay one Half of the said Sum of \_\_\_\_\_ to *E. F.* of \_\_\_\_\_ who informed me of the said Offence, and the other Half of the said Sum of \_\_\_\_\_ to *J. K.* the Surveyor of the Highways, for the (*Parish*) *Township*) or *Place*) where the said Offence (*Neglect*) or (*Default*) happened, to be employed towards the Repair of the said Highway, returning the Overplus, upon Demand to him the said *A. B.* (the reasonable Charges of taking, keeping, and selling the said Distress being first deducted); and if sufficient Distress cannot be found of the Goods and Chattels of the said *A. B.* whereon to levy the said Sum of \_\_\_\_\_ that then you certify the same to me, together with this Warrant.

No. 1.  
13 George III.  
c. 78.

This to be varied according to the Act, in each particular Case.

This to be varied according to the Act, in each particular Case.

Given under my Hand and Seal, the      Day of      17  
C. D.

No. XXXVII. Return of the Constable to be made upon the Warrant of Distress when there are no Effects.

I *A. B.* Constable of the (Parish, &c.) of \_\_\_\_\_ in the  
(County) of \_\_\_\_\_ do hereby certify and make Oath,  
that, by virtue of this Warrant, I have made diligent Search  
for the Goods of the within named \_\_\_\_\_ and that I can  
find no sufficient Goods whereon to levy the within Sum  
of \_\_\_\_\_ as witness my Hand, the  
Day of \_\_\_\_\_ 17 \_\_\_\_\_ *A. B.*

Sworn before me the Day and  
Year, &c. C. D.

**No. XXXVIII. Warrant of Distress for Non-payment  
of Money charged by an Assessment.**

Middlesex. To the (Constable) Headborough) Tithingman)  
of in the said (County).

WHEREAS by an Assessment made upon the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the (Parish, &c.) of in the said (County), for the Purposes of, &c. [as stated in the Justice's Order], pursuant to an Order of Justices for that Purpose, according to the Directions of the Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, "For the Amendment and Preservation of the Highways," A. B. was charged the Sum of as his Share and Proportion of the said Assessment, in respect of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he occupied within the said (Parish, &c.): And whereas it appears to me, upon the Oath of that the said Sum of hath been duly demanded from the said A. B. and that he hath refused to pay the

R r r

No. 1. same for the Space of ten Days after such Demand made, these  
 13 George III. are therefore, in his Majesty's Name, to command you to levy  
 c. 78. the said Sum of by Distress of the Goods and Chattels  
 of the said *A. B.* and if the same shall not be paid within the  
 Space of four Days next after such Distress by you taken, toge-  
 ther with the reasonable Charges of taking and keeping the  
 same, that you do then sell the said Goods and Chattels so by  
 you distrained; and out of the Money arising by such Sale,  
 that you do pay unto *C. D.* the Surveyor of the Highways for  
 said (*Parish, &c.*) of the said Sum of to be  
 employed for the Purposes aforesaid; and that you do return  
 the Surplus thereof to the said *A. B.* (the reasonable Charges  
 of taking, keeping, and selling the said Distress, being first  
 deducted); and if sufficient Distress cannot be found of the  
 Goods and Chattels of the said *A. B.* whereon to levy the said  
 Sum of that then you certify the same to me, together  
 with this Warrant.

Given under my Hand and Seal, the Day of 17

#### No. XXXIX. Commitment for Want of Distress.

Middlesex. To the (Constable) of in the said County,  
 and to the Keeper of the Common Gaol (or, the House of  
 Correction) at in the said County,

WHEREAS *A. B.* of in the said County (*Yeoman*),  
 was, on the Day of convicted before  
 me, *C. D.* Esq.; one of his Majesty's Justices of the Peace in  
 and for the said County, upon the Oath of *E. F.* a credible  
 Witness, for that he the said *A. B.* (*Here set forth the Offence*),  
 contrary to the Statute made in the thirteenth Year of the Reign  
 of his Majesty King *George* the Third, "For the Amendment  
 and Preservation of the Highways," by reason whereof the said  
*A. B.* hath forfeited the Sum of And whereas, on the  
 Day of In the Year aforesaid, I did issue my  
 Warrant to the (Constable) of to levy the said Sum of  
 by Distress and Sale of the Goods and Chattels of  
 him the said *A. B.* and to distribute the same according to the  
 Directions of the said Statute; And whereas it duly appears to  
 me, upon the Oath of the said (Constable), that the said (Con-  
 stable) hath used his best Endeavours to levy the said Sum on the  
 Goods and Chattels of the said *A. B.* as aforesaid, but that no  
 sufficient Distress can be had whereon to levy the same, these  
 are therefore to command you, the said (Constable) of  
 aforesaid, to apprehend the said *A. B.* and him safely to con-  
 vey to the Common Gaol (or, House of Correction), at  
 in the said County, and there deliver him to the Keeper there-  
 of, together with this Precept; and I do hereby also command  
 you, the said Keeper, to receive and keep in your Custody  
 the said *A. B.* for the Space of three Months, unless the said  
 Sum shall be sooner paid, pursuant to the said Conviction and  
 Warrant; and for so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, the Day of  
 in the Year of our Lord 17 *C. D.*

*In the Case of a Commitment for the Want of Payment of Money due by an Assessment, it must be* (to receive, and keep in your Custody, until he shall have paid the said Sum of and the further Sum of being the Costs and Charges occasioned by his Neglect in paying the same .

No. 1.  
George III.  
c. 78.

No. XL. Notice of Appeal to the Quarter Sessions.

**A.** B. take Notice, That I intend to appeal to the next General Quarter Sessions of the Peace to be holden for the (County, &c.) of against an Order (Conviction, or other Proceeding, as the Case may be, particularly specifying the Purport of such Order, &c. and assigning the Grievance, and Cause of Complaint.)

Dated the Day of 17

C. D.

No. 2.

13 George III. c. 84. — An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England; and for other Purposes.

**W**HEREAS the Laws for the general Regulation of the Turnpike Roads within that Part of Great Britain called England, are in some Respects ineffectual, and require Amendment: Wherefore, for Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for all Trustees appointed by any Act or Acts of Parliament, for the Repair of any Turnpike Road within that Part of Great Britain called England, or any five or more of them, at some public Meeting, if they shall think proper, at any or as many Gate or Gates, Bar or Bars, as they have erected, or shall erect, for the receiving of any Toll or Tolls, or upon any Part of the Road within their respective Jurisdictions, and at such a Distance from any Turnpike-bar or Toll-gate as they respectively shall think requisite and expedient, to order and cause to be built or erected, a Crane, Machine, or Engine, proper for the weighing of Carts, Waggons, or Carriages, conveying of any Goods or Merchandise whatever; and, by Writing signed by them, or any five or more of them, to order all and every or any such Carriage or Carriages, which shall pass loaded through any such Gate or Bar, to be weighed, together with the Loading thereof; and for them, or any five or more of them, or for any Person or Persons empowered by any five or more of them, to receive and take, over and above the Tolls

No. 2.  
13 George III.  
c. 84.

By 21 Geo. 3. c. 20. This Act is extended, to all Road Acts made since, &c.

Trustees, at a General Meeting, may order Weighing Engines.

Rep. by 14 Geo. 3. c. 82. and additional Tolls granted.



- No. 2. already granted, or hereafter to be granted, the Sum of twenty  
 13 George III. Shillings for every hundred Weight, one hundred and twelve  
 c. 84 Pounds to the Hundred, which every Waggon or Cart hereafter described, together with the Loading thereof, shall weigh, over and above the Weights hereafter allowed to each of them respectively; (that is to say,) To every Waggon or four-wheeled Carriage, having the Fellies or Rollers of the Wheels of the Breadth of sixteen Inches, eight Tons in Summer, and seven in Winter; to every Waggon or Wain, having the Axletrees thereof of such different Lengths that the Distance from Wheel to Wheel of the nearer Pair of the said Wheels be not more than four feet two Inches, to be measured at the Ground, and that the Distance from Wheel to Wheel of the other Pair thereof be such, that the Fore and Hind Wheels of such Waggon and Wain shall roll only one single Surface or Path of sixteen Inches wide at the least, on each Side of the said Waggon or Wain, and having the Fellies thereof of the Breadth of nine Inches from Side to Side at the Bottom or Sole thereof, six Tons ten Hundred in Summer, and six Tons in Winter; to every Waggon or four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of nine Inches, six Tons in Summer and five Tons ten Hundred in Winter; to every Cart, having the Fellies of the same Dimensions, three Tons in Summer, and two Tons fifteen Hundred in Winter; to every Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of six Inches, four Tons five Hundred in Summer, and three Tons fifteen Hundred in Winter; and to every such Waggon so constructed as to roll and actually rolling a Surface of eleven Inches, by the Wheels thereof, five Tons ten Hundred in Summer, and five Tons in Winter; to every Cart having Fellies of the Wheels of the same Dimensions, two Tons twelve Hundred in Summer, and two Tons seven Hundred in Winter; to every Waggon, having the Sole or Bottom of the Fellies of the Wheels of less Breadth than six Inches, three Tons ten Hundred in Summer, and three Tons in Winter; and to every Cart, having the Fellies of the Wheels of the same Dimensions, one Ton ten Hundred in Summer, and one Ton seven Hundred in Winter; and that for the several Purposes aforesaid, it shall be deemed Summer from the first Day of May to the thirty-first Day of October, both Days inclusive, and Winter from the first Day of November to the thirtieth Day of April, both Days inclusive: Which said additional Toll or Duty, hereby granted and made payable, shall and may be levied and recovered upon any Person liable thereto, in any of the Cases aforesaid, or his or her Goods or Chattels, who shall, after Demand made thereof, refuse or neglect to pay the same, in such Manner as any other Toll or Duty, payable at the same Turnpike-gate or Bar, is or shall be by Law to be levied and recovered; and the Money arising from such additional Duty shall be applied to the Repair of the Turnpike Road where the same shall be collected.

II. And be it further enacted, That the Keeper of every such Toll-gate or Bar, where any such Weighing Engine shall be erected, or any other Person appointed, or to be appointed by the said Trustees, or any five or more of them, to the Care of such Weighing Engine, shall, and is hereby required to weigh all such Waggon and Carts liable to be weighed by virtue of this Act, which shall pass loaded through such Gates or Bars respectively, and which he shall have reason to believe carry greater Weights than are allowed to pass without paying the said additional Toll: And if any Gate-keeper, or Person so appointed, shall permit any such Waggon or Cart to pass through any such Toll-gate with greater Weights than are hereby allowed, without weighing the same, and receiving such additional Tolls, as aforesaid, he shall for every such Offence forfeit the Sum of five Pounds.

No. 2.  
George III.  
c. 81.  
Duty of Toll-  
gate Keepers.

Forfeiture for  
every Offence  
is 5l.

III. And, in order to detect the said Collector or Receiver in any fraudulent Connivance or Neglect of Duty in the Matters aforesaid, be it further enacted, That it shall and may be lawful for any Trustee, Creditor, Clerk, Treasurer, or Surveyor of such Turnpike Road, if he shall suspect any such Connivance or Neglect, as aforesaid, to cause any Carriage, liable to be weighed by virtue of this Act, which shall have passed through any Toll-gate where such Weighing Engine shall be erected, and shall not have passed above three hundred Yards beyond such Toll-gate, to return to such Weighing Engine, and be there weighed with the Loading which passed through such Gate, in the Presence of such Trustee, Creditor, Clerk, Treasurer, or Surveyor, upon requiring the Driver thereof to drive such Carriage back to such Weighing Engine; and upon paying or tendering to him the Sum of one Shilling for so doing; which Sum of one Shilling shall be returned to the Person paying the same, if upon weighing such Carriage and Loading, the same shall be found above the Weight hereby allowed:

Trustees, &c.  
may cause Car-  
riages to be  
Weighed.

IV. And, for the better enforcing the Authority of this Act, the Surveyors shall, and are hereby authorised and required to make convenient Places for turning such Carriages upon every such Turnpike Road where such Weighing Engine shall be erected, within three hundred Yards of such Toll-gate, on each Side thereof, if the Ground will admit of the same; and there shall be a List of the Names of all the Trustees and Creditors, and also of the Clerk, Treasurer, and Surveyor of such Turnpike Road, put up in the House or Building where such Weighing Engine shall be placed, to be inspected by the Owner or Driver of every such Carriage; and if the Driver of any such Carriage, being so requested to return with his Carriage to such Weighing Engine, shall neglect or refuse so to do, he shall forfeit the Sum of forty Shillings; and it shall and may be lawful for any Peace-Officer, or other Person or Persons, being then present, upon such Neglect or Refusal, to drive and take such Carriage back to such Weighing Engine, in order to be weighed as aforesaid.

Surveyors to  
make convenient  
Places for  
turning Car-  
riages.

Drivers ref-  
using to turn, for-  
feit 40s.

No. 2. ' V. And, in order to compensate for the Expences of  
 13 George III. erecting such Weighing Engine, and to prevent any Preju-  
 c 84. dice to the Creditors who have lent, or shall lend their Money  
 ' upon the Security of the Tolls,' be it further enacted, That  
 all and every Act and Acts of Parliament, made for repairing  
 and amending Turnpike Roads, the Trustees whereof shall,  
 within twelve Calendar Months after the Commencement of  
 this Act, have caused to be erected and used thereupon such  
 Weighing Engine, pursuant to the Direction, and true Intent  
 and Meaning of this Act, shall be continued, and be in full  
 Force, for five Years, to be computed from the several Ends  
 and Expirations of all and every such Act and Acts respective-  
 ly, and subject to all the Tolls and Duties, Penalties, Forfeitu-  
 res, Remedies, Powers, Authorities, Clauses, Rules, Di-  
 rections, Payments, and Provisions, respectively made, and  
 enacted by any of the said Act or Acts of Parliament, now or  
 heretofore made, for repairing and amending Turnpike Roads.

Former Acts  
 further continu-  
 ed, if Engines  
 erected in pur-  
 suance of this.

Not to extend  
 to Waggon, &c.  
 in Husbandry.

VI. Provided always, and be it further enacted, That the  
 Regulations of Weight herein before mentioned shall not ex-  
 tend, or be deemed or construed to extend, to any Waggon, or  
 other Carriages, employed only in Husbandry, or  
 carrying only Manure for Land, Hay, Straw, Fodder, or Corn  
 unthreshed; and that where Lime or other Manure is or shall,  
 by any particular Turnpike Act, be permitted to pass through  
 any Turnpike-gate Toll-free, or upon paying less Toll than is  
 required to be paid for other Goods, it shall be liable to be  
 weighed at all Weighing Engines upon such Turnpike Road,  
 together with the Carriages in which such Lime or Manure shall  
 be conveyed, and shall pay such additional Toll for Over-  
 weight as herein before directed.

Justices may  
 order Weighing  
 Engines to be  
 erected

VII. Provided also, and be it further enacted, That it  
 shall and may be lawful for the Justices of the Peace, within  
 the Limits of every County, Riding, Division, Hundred, or  
 Precinct, at any General Quarter Sessions of the Peace, upon  
 Complaint made to them by any Justice of the Peace, or by  
 any two Creditors, or any two Trustees of any Turnpike Road,  
 within the said Limits of which they are Creditors, or Trustees,  
 that such Turnpike Road is much damaged by excessive  
 Weights being carried thereupon, and that no Weighing En-  
 gine hath been erected, or ordered by the Trustees of such  
 Turnpike Road to be erected, upon the same, to summon the  
 Clerk, Surveyor, and Treasurer of such Turnpike Road to ap-  
 pear before the said Justices, at their then next General Quar-  
 ter Sessions of the Peace, to shew Cause why a weighing En-  
 gine or Engine should not be erected at or near such Gate or  
 Gates, upon such Turnpike Roads as shall be described in such  
 Summons; and if at such subsequent Sessions the said Clerk,  
 Surveyor, and Treasurer, or some or one of them, shall not ap-  
 pear before the Justices at such Sessions, or appearing shall not  
 shew sufficient Cause to the said Justices against the erecting of  
 such Weighing Engine or Engines, it shall and may be lawful  
 for the said Justices, if they think fit, at such Quarter Sessions,

to order one or more Weighing Engine or Engines to be erected upon such Turnpike Road, at such Place or Places as they shall think proper; a Copy of which Order shall be forthwith delivered to the Clerk of such Turnpike Road; and the Trustees thereof are hereby directed and required, at their next Meeting, to be held after their Clerk shall have been served with such Copy of the Order as aforesaid, to contract, or cause a Contract to be made with some proper Person or Persons, for the making and erecting such Weighing Engine or Engines with all convenient Speed; and the Treasurer of such Turnpike Road is hereby authorised and required to pay the Expences attending the making and erecting of such Weighing Engine or Engines out of the Money which shall then be or next come into his Hands from the Tolls arising upon such Turnpike Road.

No. 2.  
George III.  
c. 84.

VIII. Provided also, and be it further enacted, That when two or more Turnpike Roads meet at or near the same Place, it shall and may be lawful for the Trustees of such Turnpike Roads respectively, at a Meeting to be held for that Purpose, to fix upon some convenient Place to erect a Weighing Engine upon, which will accommodate all such Turnpike Roads; and, by Agreement amongst themselves at such Meeting, to proportion the Expences which may attend the making, erecting, maintaining, and keeping such Weighing Engine, and likewise the Money arising from Forfeitures to be incurred for Overweight at such Weighing Engine, amongst all such Turnpike Roads, in such Manner as to them shall appear just and reasonable.

Where Roads meet, Trustees may erect one Weighing Engine.

IX. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road, their Lessee or Lessees, to make Composition for Tolls, for or in respect of any Waggon, Wain, Cart, or Carriage, or Horses, or Beasts of Draught, drawing the same, unless such Waggons, Wains, Carts, and Carriages, have the Fellies of the Wheels thereof of the Breadth or Gauge of six Inches, or more; any Law to the contrary thereof notwithstanding.

Trustees not to make Composition unless Fellies of Wheels six Inches broad.

X. And be it further enacted, That if any Person or Persons shall unload, or cause to be unladen, any Goods, Wares, or Merchandizes, from any Cart, Waggon, or other Carriage, (except such Carriages as are herein before excepted) at or before the same shall come to any Turnpike-gate or Weighing Engine, erected by virtue or in pursuance of this or any other Act, made for the Repair or Preservation of any Turnpike Road; or shall load or lay upon such Carriage (except as aforesaid), after the same shall have passed any such Turnpike or Weighing Engine, any Goods, Wares, or Merchandises, taken or unladen from any Horse, Cart, or other Carriages, belonging to, or hired, or borrowed by the same Waggoner or Carrier, in order to avoid the Payment of the said respective Duties of twenty Shillings per Hundred; or if any Person shall so unload, in order to carry considerable Quantities of Goods through any Turnpike Gate, in one and the same Day, and thereby pay less Toll at such Turnpike Gate than would have

§1. Penalty on unloading Goods before, &c.

No. 2. been paid if such Goods, Wares, or Merchandises had not  
 13 George III. been so unladen; each and every Person so offending in any  
 c 84. of the Cases aforesaid, and being thereof lawfully convicted  
 before one or more Justice or Justices of the Peace for the  
 Limit where the Offence shall be committed, upon the Oath of  
 one or more credible Witness or Witnesses, shall forfeit and  
 pay the Sum of five Pounds; to be levied upon the Goods and  
 Chattels of the Owner of such Cart, Waggon, or other Car-  
 riage; and each and every Driver, not being the Owner of  
 such Waggon or Carriage, so offending, and being thereof  
 convicted, as aforesaid, shall be committed to the House of  
 Correction for the Space of one Month.

Turning out of  
 Road, to avoid  
 being weighed,  
 forfeit not ex-  
 ceeding 5l. nor  
 less than 40s.

XI. And be it further enacted, That if the Owner of any  
 Waggon, Cart or Carriage, or other Person, being the Driver  
 thereof, travelling on any Turnpike Road where any Toll-  
 gate or Weighing Engine is or shall be erected, shall drive or  
 turn out of the same into any other Road, in order to avoid  
 being weighed, or to avoid the paying of Toll, and shall after-  
 wards proceed with such Carriage into and on the same  
 Turnpike Road, every such Owner, or other Person, convicted  
 of such Offence before one or more Justice or Justices of the  
 Peace for the Limit where such Offence shall be committed,  
 upon the Oath of one or more credible Witness or Witnesses,  
 shall forfeit, if he be the Owner, any Sum not exceeding five  
 Pounds, nor less than twenty Shillings; and if he be the Driver  
 and not the Owner, any Sum not exceeding fifty Shillings, nor  
 less than ten Shillings, upon Conviction, for every such  
 Offence.

Repealed by 14  
 Geo. 3 c. 14.

XII. And be it further enacted, That no Carriage, liable  
 to be weighed by virtue of this Act, shall pass along any  
 Turnpike Road being above twenty Miles from the Cities of  
 London and Westminster, unless the same shall be made and  
 constructed in such Manner, that no Pair of such Wheels shall  
 be wider than four feet six Inches from Inside to Inside, to be  
 measured on the Ground (except Wheels having the Soles of  
 the Fellics thereof the Breadth of nine Inches; which shall  
 be so constructed as to roll on a Surface of sixteen Inches;  
 and that the wider Pair of such Wheels shall not be more than  
 five feet eight Inches from Inside to Inside, to be measured  
 on the Ground), and that the Distance from the Centre of the  
 Fore Wheel to the Centre of the Hind Wheel of any  
 Waggon or Four-wheeled Carriage, not being used for the Car-  
 riage of Timber only, be not above nine Feet, to be measured  
 from the Centre of the Axletrees at the Ends thereof, on Pain  
 of the Owner or Owners of every such Waggon, Wain, or  
 Cart forfeiting the Sum of five Pounds for every such Offence:  
 And the Surveyor or Surveyors, Gate-keeper or Gate-  
 keepers, of any Turnpike Road, is and are hereby authorised  
 and required, at any Turnpike or Toll-gate, or at any other  
 Place upon the Turnpike Road, to measure every such Wag-  
 gon, Wain, or Cart; and if any Master or Driver of any  
 Waggon, Wain, or Cart shall hinder, or refuse to permit such

Surveyor or Surveyors, Gate-keeper or Gate-keepers, to measure such Waggon, Wain, or Cart, as aforesaid, he or she shall forfeit the Sum of five Pounds; and it shall not be lawful for any such Waggon, Wain, or Cart, not permitted to be measured as aforesaid, to pass along any Turnpike Road.

No. 2.  
George III.  
c. 84.

XIII. And be it further enacted, That no Waggon, Wain, or other four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of nine Inches, shall pass or be drawn on any Turnpike Road with more than eight Horses; nor any Cart or other two-wheeled Carriage, having Wheels of the Breadth aforesaid, shall pass or be drawn upon any Turnpike Road with more than five Horses; and that the Horses in such respective Carriages shall draw in Pairs (except an odd Horse in any Team, and except where the Number of Horses shall not exceed four); and also that no Waggon, Wain, or other four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of six Inches, shall pass or be drawn on any Turnpike Road with more than six Horses; and that no Cart or other two-wheeled Carriage, having Wheels of the Breadth last mentioned, shall be drawn on any Turnpike Road with more than four Horses; and also, that no Waggon, Wain, or other four-wheeled Carriage, having the Fellies of the Wheels of less Breadth than six Inches, shall pass or be drawn on any Turnpike Road with more than four Horses; and that no Cart, or other two-wheeled Carriage, having the Fellies of the Wheels of less Breadth than six Inches, shall pass or be drawn on any Turnpike Road with more than three Horses; and the Owner of every such Waggon, Wain, Cart, or Carriage shall forfeit the Sum of five Pounds; and the Driver thereof, not being the Owner, the Sum of twenty Shillings, for every Offence against the Provisions aforesaid, to any Person or Persons who shall sue for the same.

No Nine-inch four wheeled Waggon to be drawn with more than eight Horses, &c.

XIV. Provided always, That all Carriages moving upon Rollers of the Breadth of sixteen Inches on each Side thereof with flat Surfaces, are hereby allowed to be drawn with any Number of Horses, or other Cattle.

XV. Provided always, and be it enacted, That no Prosecution shall be commenced before a Justice of Peace, by way of Information, for any Forfeiture incurred by the Owner or Driver of any Carriage having a greater Number of Horses therein than are allowed by this Act, unless such Information be laid within three Days after the Offence committed; and that no Action shall be commenced for any such Offence, unless the same be commenced within one Calendar Month after the Offence committed; and that neither such Information or Action shall be laid or commenced, unless Notice shall be given by the Informer to the Driver of every such Carriage, on the Day upon which the Offence shall be committed, of an Intention to complain of such Offence; and if it shall appear to the Justice before whom such Complaint shall be made, that the Offender lives so remote as to make it inconvenient to summon him to appear before such Justice, the Justice may dismiss

Information within three Days.

No. 2 the Complaint, and leave the Informer to his Remedy by Ac-  
15 George III. tion at Law.

c. 84 XVI. Provided always, and be it enacted, That it shall  
Repealed by 14 and may be lawful for any Waggon, Wain, Cart, or Carriage  
Geo 3 c 82. to be drawh with any Number of Horses upon any Turnpike  
Road where a Weighing Engine shall be erected, provided  
such Carriage shall be weighed with such Engine: And in  
order that the Owner or Driver of every such Carriage may  
be furnished with proper Evidence of the Facts above mention-  
ed, if any Prosecution should be commenced against him or  
them for using a greater Number of Horses than are allowed  
by this Act, the Person who shall have the Care of such Weigh-  
ing Engine shall, and is hereby required, on Demand made by  
the Driver of any such Carriage, to give to such Driver a  
Ticket, certifying that such Carriage was weighed, and the  
Weight thereof, with the Loading.

Penalty on tak- Persons shall take off, or cause to be taken off, any Horse or  
ing off Horses, or altering the Distance of the  
Wheels. Wheels.  
XVII. And be it further enacted, That if any Person or  
Persons shall take off, or cause to be taken off, any Horse or  
Horses, or other Beast of Draught, from any Waggon, or other  
Carriage, or shall alter, or cause the Distance of the Wheels  
thereof to be altered, at or before the same shall come to any  
of the said Gates or Turnpikes, with Intent to avoid any Toll,  
Forfeiture, or Penalty, for drawing with a greater Number of  
Horses or Beasts of Draught, or in any other Manner than  
hereby allowed, each and every Person so offending, and be-  
ing convicted thereof before one or more Justice or Justices of  
the Peace for the Limit where the Offence shall be committed,  
upon the Oath of one or more credible Witness or Witnesses,  
shall forfeit and pay the Sum of five Pounds.

Trustees may allow Waggon with Broad Wheel to be drawn up Hills with 10 Horses, &c.  
XVIII. Provided always, and be it enacted, That if it  
shall appear to the Trustees of any Turnpike Road, or any  
seven of them, at any of their publick Meetings, by the Oath of  
one or more Witness or Witnesses, experienced in Levelling,  
that any Part of the Rise of any Hill upon such Turnpike Road  
shall be more than four Inches in a Yard; in such Case it shall  
and may be lawful to and for the said Trustees, or any seven  
of them, to allow such Number of Horses as they shall judge  
necessary, not exceeding ten for Waggon with Nine Inch  
Wheels, nor Six for Carts, with Nine Inch Wheels; and not  
exceeding seven for Waggon with Six Inch Wheels, nor five  
for Carts with Six Inch Wheels; and not exceeding Five for  
Waggon with Wheels of less Breadth than six Inches, nor  
Four for Carts with Wheels of less Breadth than six Inches:  
And in case it shall appear to the said Trustees, in Manner  
aforesaid, that the whole Rise of any Hill taken together shall  
be more than four Inches in a Yard upon an Average, it shall  
and may be lawful for the said Trustees, or any seven of them,  
to allow such Number of Horses as they shall think fit to be  
used in such Waggon and Carts respectively, for the Purpose  
only of drawing the same up such Hill or Hills as aforesaid,  
the Length and Extent of such Hill or Hills to be specified in  
such Order of Allowance, and the Termination at each End  
thereof to be marked by a Post or Stone, to be erected at such

respective Boundaries; and the said Order of Allowance shall be certified by the said Trustees, or their Clerk, to the next General Quarter Sessions of the Peace of the Limit within which such Hill or Hills shall respectively be situated: And if the Facts, upon which the same is founded, shall, at the said Quarter Sessions, be proved upon the Oath of one or more credible Witness or Witnesses, to the Satisfaction of the Justices on the Bench, or the major Part of them, the said Order of Allowance shall be confirmed and filed among the Records of the Sessions by the Clerk of the Peace, or otherwise shall be vacated and quashed: And from and after such Confirmation and Filing, no Person shall be liable to any Penalty or Forfeiture for using such Number of Horses as shall be so allowed in drawing any Waggon or Cart up such Hill or Hills respectively; and it shall and may be lawful for the said Justices, at any subsequent Quarter Sessions of the Peace, to reconsider the said Order of Allowance, and to discharge the same, if they think fit.

No. 2.  
George III.  
c. 54.

XIX. Provided also, and be it further enacted, That if it shall appear, upon the Oaths of credible Witnesses, to the Satisfaction of any Justice or Justices of the Peace, or of any Court of Justice, authorised to enforce the Execution of this Act, that any Waggon, Cart, or Carriage could not, by reason of deep Snow or Ice, be drawn with the respective Weights, and by the Number of Horses or Beasts of Draught hereby respectively allowed; then, and in every such Case, it shall and may be lawful for such Justice or Justices of Peace, or Court respectively, and they are hereby respectively required to stop all Proceedings before them respectively, for the Recovery of any Penalty or Forfeiture which may have been incurred by drawing with a greater Number of Horses or Beasts of Draught, than are hereby allowed; any Thing herein contained to the contrary notwithstanding.

Exemption with respect to deep Snow or Ice.

XX. And whereas great Damage is done to Turnpike Roads by Waggons and other Carriages, with narrow Wheels, drawn by Horses in Pairs; for Remedy thereof, be it enacted, That it shall not be lawful for any Waggon, Wain, or Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than nine Inches, to pass upon any Turnpike Road, or through any Turnpike Gate or Bar, if the same shall be drawn by Horses in Pairs (other than and except such Waggons, Wains, or Carts, having the Fellies of the Wheels thereof of the Breadth of six Inches, as shall be authorised to be drawn in any other Manner by Order of the Trustees of any Turnpike Road within their District, made at a publick Meeting, consisting of seven Trustees or more; which Order it shall and may be lawful for the said Trustees to revoke at any subsequent Meeting, and afterwards to make a new one, if they shall think fit, for the same Purpose, and fixed in Writing upon every Toll-gate within such District, and except Carriages drawn by two Horses only).

Narrow wheeled Waggons not to be drawn by Horses in Pairs.

XXI. And be it further enacted, That in case any Person or Persons shall, upon any Turnpike Road, drive, or act as

Penalty on Drivers driving Carriages contrary



No. 2. the Driver or Drivers of any Waggon, Cart, Wain, or Carriage, not being marked according to the Directions of this Act; or drawn by more than the Number of Horses, or Beasts of Draught hereby respectively authorised, that then, and in every such Case, it shall and may be lawful to and for any Constable, Tythingman, Surveyor, or any other Person, to apprehend and take, or cause to be apprehended and taken, such Person or Persons, so driving, or acting as Driver or Drivers, as aforesaid, before one or more Justice or Justices of the Peace for the Limit where the said Offence shall be committed, and, upon Conviction thereof, either by the Confession of the Party, or by the Oath of one or more credible Witness or Witnesses before such Justice or Justices of the Peace, every such Person or Persons so offending, shall respectively forfeit and pay, for every such Offence, a Sum not exceeding five Pounds, nor less than ten Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Where extraordinary Tolls have been granted, Trustees may mitigate, &c.

‘XXII. And whereas in and by several Acts of Parliament made for amending and repairing particular Turnpike Roads, several high and extraordinary Tolls are granted, and directed to be levied and paid for Waggons, Carts, and other Carriages, drawn by more than a certain Number of Horses or Beasts of Draught therein respectively mentioned, with an Intent, in effect, to prohibit the Passage of such Carriages, and thereby the better to preserve the said Roads;’ now it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, appointed, or to be appointed, in or by virtue of any Act of Parliament made for repairing and amending such particular Roads, as aforesaid, or any five or more of such Trustees respectively, within their respective Districts, and they are hereby authorised and required, at the first Meeting after the Commencement of this Act, to mitigate, lessen, and reduce the said high and extraordinary Tolls and Duties, for and in respect of such Waggons, or other wheeled Carriages only, having the Wheels of the Breadth or Guage of six Inches, as aforesaid, in such Manner as no greater Toll or Duty, in respect to Waggons, be demanded or taken for the same than is provided and directed by the said Acts respectively to be paid and taken for Waggons, and other four-wheeled Carriages, drawn by four Horses, or Beasts of Draught; and that no greater Toll or Duty be demanded or taken for Carts having the Fellies of their Wheels of the Breadth or Guage of six Inches, than is provided and directed by such Acts respectively to be taken for Carts drawn by three Horses; and the said Trustees, within their respective Districts, or any five or more of them respectively, are hereby authorised and required to give Directions, in Writing, to the several Collectors within such their respective Districts, to take and receive such Tolls and Duties, and no other; any Law or Statute to the contrary notwithstanding.

Narrow wheel-  
ed Waggons, &c.

XXIII. And be it further enacted, That the Trustees appointed by Virtue or under the Authority of any Act of Par-

liament, made for repairing or amending Turnpike Roads, or such Person or Persons as are authorised by them, shall and may, and are hereby required to demand and take, for every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of less Breadth or Gauge than six Inches from Side to Side at the least, at the Bottom or Sole thereof, and for the Horses, or Beasts of Draught, drawing the same, one Half more than the Tolls or Duties which are or shall be payable for the same respectively; and for every Waggon, Wain, Cart or Carriage, having the Fellies of the Wheels thereof of less Breadth or Gauge than six Inches from Side to Side, at the least, at the Bottom or Sole thereof, and for the Horses, or Beasts of Draught, drawing the same, from and after the twenty-ninth Day of September, one thousand seven hundred and seventy-six, Double the Tolls or Duties which are or shall be payable for the same respectively, by any Act or Acts of Parliament made for amending or repairing Turnpike Roads, before any such Waggon, Wain, Cart, or Carriage respectively shall be permitted to pass through any Turnpike-gate or Gates, Bar or Bars, where Tolls shall be payable by virtue of any such Acts.

No. 2.  
13 George III.  
c. 84.

Double Tolls.  
Superadded for  
two Years, by  
16 Geo 3 c.

‘XXIV. And whereas there are, in several Acts of Parliament, for making, amending, and repairing Turnpike Roads, Exemptions allowed from Payment of Tolls in particular Cases therein respectively mentioned, and Liberties are allowed in particular Cases to pay less Tolls than are charged upon other Waggons, Wains, Carts, and Carriages, passing through Turnpike Gates or Bars: And whereas it will tend to the Advantage and Preservation of Turnpike Roads to confine such Exemptions, Liberties, Privileges, and Advantages to Carriages with Wheels of the Breadth or Gauge of six Inches or upwards; be it therefore enacted, That no Person shall, by virtue of the said Acts of Parliament, have, claim, or take the Benefit or Advantage of any Exemption from Toll, or Part of Tolls, or to pass less Toll for or in respect of any Waggon, Wain, Cart, or other Carriage, or Horse drawing the same, and carrying any particular Kind of Goods, than other Carriages of the like Nature, carrying other Goods, ought to pay, unless such Waggon, Wain, Cart, or other Carriages, have the Sole of the Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of six Inches, or upwards, (other than and except Carts and Carriages, employed in carrying Corn, or Grain in the Straw, Hay, Straw, Fodder, Dung, Lime for the Improvement of Land, or other Manure, or any Implements of Husbandry only); but that the Toll required by the said Acts respectively, together with the additional Tolls hereby required to be taken for or in respect of every such Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than six Inches as aforesaid, and for and in respect of Horses, or Beasts of Draught, drawing the same, (except as before excepted) shall be paid in the

No Exemption  
by former Acts  
to be claimed,  
unless where  
Carriages with  
six Inch Fellies  
are used.

Carts, &c. in  
Husbandry ex-  
cepted.

No. 2. same Manner to all Intents and Purposes, as if no Exemption,  
 13 George III. or less Toll had been enacted or allowed by any of the said  
 c. 24. Acts respectively, and as fully as all other Waggon<sup>s</sup>, Wain<sup>s</sup>,  
 Carts, and Carriages, and Horses drawing the same, ought  
 respectively to pay, which are not intitled to any Exemption  
 from Toll, in the Whole or Part; or to pay a less Toll than  
 other Waggon<sup>s</sup>, Wain<sup>s</sup>, Carts and Carriages; any Law or  
 Statute to the contrary notwithstanding.

Explained by XXV. Provided, That no Person or Persons be allowed  
 16 Geo. 3. c. 39. to take the Benefit of any such Exemptions, or to have the  
 Privilege herein-before given of compounding in respect of  
 any Carriage having the Fellies of the Wheels thereof of the  
 Breadth or Gauge of six Inches, or upwards, unless the Fellies,  
 and the Tire upon such Fellies, shall lie flat.

Extended for XXVI. Provided also, That all Waggon<sup>s</sup>, Carts, or Car-  
 five Carriages, moving upon Rollers, of the Breadth of sixteen Inches  
 14 Geo. 3. c. on each Side thereof, with flat Surfaces, shall be permitted to  
 82. pass or be drawn upon any Turnpike Road Toll-free, for the  
 Term of one Year, to be computed from Michaelmas, one thou-  
 sand seven hundred and seventy-three; and from and after the  
 Expiration of the said Term, all such Waggon<sup>s</sup>, Carts, or Car-  
 riages, as aforesaid shall pass upon any Turnpike Road, through  
 any Toll-gate or Bar, upon paying only so much of the Tolls  
 and Duties as shall not exceed one Half of the full Toll or Duty  
 payable by this or any Turnpike Act, for all Waggon<sup>s</sup>, Wain<sup>s</sup>,  
 or Carts, having the Fellies of the Wheels of the Breadth or  
 Gauge of six Inches from Side to Side, or for the Horses or  
 Beasts of Draught drawing the same, and not rolling a Surface  
 of sixteen Inches on each Side thereof; and that no more than  
 Half Toll shall be paid in respect of Waggon<sup>s</sup> having the Fel-  
 lies of the Wheels thereof of the Breadth of nine Inches, and  
 rolling a Surface of sixteen Inches on each Side thereof, from  
 and after the Commencement of this Act; any Thing herein  
 contained to the contrary notwithstanding.

Carriages to XXVII. Provided always, That nothing herein-before  
 which Act not contained shall extend, or be construed to extend, to any  
 to extend. Chaise-marine, Coach, Landau, Berlin, Chariot, Chaise, Chair,  
 Calash, or Hearse, or to the Carriage of such Ammunition or  
 Artillery as shall be for his Majesty's Service, or to any Cart  
 or Carriage drawn by one Horse, or two Oxen, and no more;  
 or to any Carriage, having the Sole or Bottom of the Fellies of  
 the Wheels thereof of the Breadth of nine Inches, which shall  
 be laden with one Block of Stone, one Piece of Marble, one  
 Cable Rope, one Piece of Metal, or one Piece of Timber.

Penalty on frau- XXVIII. Provided also, and be it enacted, That if any  
 dulently taking Person or Persons shall take the Benefit of any Exemptions,  
 Benefit of any under or by virtue of this or any other Act made for the Repair  
 Exemption. of any Turnpike Road, in any fraudulent or collusive Manner  
 whatsoever, such Person or Persons shall forfeit, for every  
 such Offence, a Sum not exceeding five Pounds, or less than  
 forty Shillings, at the Discretion of the Justice or Justices be-  
 fore whom such Offender shall be convicted.

‘XXIX. And whereas, in and by several Acts of Parliament, made and passed for amending and repairing particular Turnpike Roads, there is no Power, or no effectual Power, given to the Trustees to lessen the Tolls, although such Turnpike Roads may be sufficiently, or in a great Degree, amended and repaired; and all, or the greatest Part of the Money borrowed upon the Credit of any such Acts, may have been paid and discharged:’ Be it therefore further enacted, That it shall and may be lawful to and for the Trustees appointed in and by virtue of any Act of Parliament now in Force for repairing and amending such particular Roads as aforesaid, or any seven or more of such Trustees respectively, and they are hereby impowered, in any of the Cases aforesaid, at a Meeting to be held for that Purpose, of which one Calendar Month’s Notice shall be given in Writing, to be affixed on all Turnpike Gates which shall be then erected upon such respective Roads, and in some publick News-paper circulated in that Part of the Country, from Time to Time, to lessen or reduce all or any of the Tolls granted by any of the said respective Acts, for and during such Time as the said Trustees, or any seven or more of them, shall think proper; and afterwards, at any Meeting, to be held as aforesaid, from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened, to any Sum or Sums of Money, not exceeding the several Rates granted by such Acts of Parliament respectively.

No. 2.  
George III.  
c. 84.

Trustees may  
reduce Tolls.

and afterwards  
advance them.

XXX. Provided nevertheless, That where the whole Money borrowed on the Credit of the Tolls, granted by any such Act, shall not have been paid and discharged, no such Tolls shall be lessened or reduced without the Consent of the Person or Persons entitled to Five-sixths of the Money remaining due upon such respective Tolls.

‘XXXI. And whereas in and by the several Acts of Parliament, made for repairing particular Turnpike Roads, there are no Powers given to the Trustees to let or farm out the Tolls arising upon such Roads, and in many Cases where the particular Acts have given such Power, they are not executed and enforced in the most beneficial Manner for such Roads;’ for Remedy whereof, be it further enacted, That it shall and may be lawful for the Trustees of any particular Turnpike Act, or any seven or more of them, at a publick Meeting, to let to Farm the Tolls of the several Gates erected upon their respective Turnpike Roads, in the Manner herein-after mentioned, although no express Power shall have been given by such Turnpike Act for that Purpose; and that whenever any Tolls shall hereafter be let to Farm, by virtue of the Powers given by this or any other Act or Acts of Parliament, the following Directions shall be observed; (that is to say). The Trustees shall cause Notice to be given of the Time and Place for letting the same at least one Month before the Day to be appointed for that Purpose, by fixing the same upon every Toll-gate belonging to such Turnpike Road, and also upon the Market-cross of the Market-town nearest to the Place where

Powers for Jus-  
tices to farm out  
the Tolls, &c.

No. 2. the said Tolls are to be let, and also in some publick News-  
 13 George III. paper circulated in that Part of the Country, and specifying in  
 c. 84. every such Notice the Sum which the said Tolls produced in  
 the preceding Year, clear of the Salary for collecting the same,  
 in case any hired Collector was appointed, and that they will  
 let such Tolls by Auction to the best Bidder, on his producing  
 sufficient Sureties for Payment of the Money, Monthly or  
 Quarterly, as shall be required by the Trustees; and that they  
 will be put up at the Sum which they were let for or produced  
 in the preceding Year, clear of the Salary of the Collector; and  
 to prevent Fraud, or any undue Preference in the letting thereof,  
 the Trustees are hereby required to provide a Glass with so  
 much Sand in it as will run from one End of it to the other in  
 one Minute; which Glass, at the Time of letting the said  
 Tolls, shall be set upon a Table; and immediately after every  
 Bidding the Glass shall be turned, and as soon as the Sand is  
 run out, it shall be turned again, and so for three Times, unless  
 some other Bidding intervenes: And if no other Person shall  
 bid, until the Sand shall have run through the Glass for three  
 Times, the last Bidder shall be the Farmer or Renter of the  
 said Tolls, and shall forthwith enter into a proper Agreement  
 for the taking thereof, and paying the Money at the Times  
 specified in such Notice, or as shall be agreed upon between  
 him and the Trustees; and in case no Bidder shall offer, the  
 said Trustees may appoint a Collector of such Tolls, or fix  
 some future Day for the letting thereof, as they shall judge most  
 proper, upon giving such Notice thereof as aforesaid, and  
 shall and may, in that Case, put them up at such Sum as they  
 shall think fit: And if the Person or Persons who shall be the  
 Farmer or Renter of such Tolls shall take a greater or less Toll  
 from any Person or Persons than what are authorised or direct-  
 ed by this or the particular Turnpike Act, he or they shall, for  
 every such Offence, forfeit the Sum of five Pounds, and shall  
 also forfeit the said Contract for renting the Tolls, if the said  
 Trustees shall think fit to vacate the same; and every other  
 Gate-keeper authorised to collect the Tolls, who shall take a  
 greater or less Toll than as aforesaid, shall, for every such Of-  
 fence, forfeit the Sum of forty Shillings.

Statute-duty  
to be performed  
in Parish, &c.  
where it arises.

XXXII. And be it further enacted, That the Surveyors of  
 all Turnpike Roads shall cause the Statute-duty required by  
 the respective Turnpike Acts, and the Compositions arising  
 from the same, to be performed, laid out, and expended,  
 upon the Turnpike Road lying within the Parish, Township,  
 or Place, from which such Duty shall be required, and not  
 elsewhere, and shall forfeit the Sum of forty Shillings for every  
 Misapplication thereof; and that where there are two or more  
 Turnpike Roads under several Acts of Parliament within the  
 same Parish, Township, or Place, and the Statute-duty di-  
 rected by all such Acts to be taken or applied for the Repair  
 of such Turnpike Roads within such Parish, Township, or  
 Place, shall exceed three Days Duty in the Whole; then, and  
 in such Case, it shall and may be lawful for two or more Ju-

Justices may  
adjust Proportions.

tices of the Peace of the Limit where such Turnpike Roads shall be, and they are hereby required, at some Special Sessions, to adjust and proportion the Statute-duty betwixt such Turnpike Roads and the other Highways in such Parish, Township, or Place, in such Manner as they shall think fit, having regard to the Extent and Condition of the said several Roads and Highways, and also to the Tolls and Revenues arising from such Turnpike Roads respectively, the said Justices previously summoning the Clerks and Surveyors of such Turnpike Roads, and likewise the Surveyors of the Highways, for such Parish, Township, or Place, who are hereby respectively required to attend the Justices upon such Summons.

No. 2.  
13 George III.  
c. 84.

XXXIII. And be it further enacted, That when the Inhabitants of any Parish, Township, or Place, shall be indicted or presented for not repairing any Highway, being Turnpike Road, and the Court before whom such Indictment or Presentment shall be preferred, (1.) shall impose a Fine for the Repair of such Road, the same shall be proportioned, together with the Costs and Charges attending the same, between the Inhabitants of such Parish, Township, or Place, and the Trustees of such Turnpike Road, in such Manner as to the said Court, upon Consideration of the Circumstances of the Case, shall seem just; and it shall and may be lawful for such Court to order the Treasurer of such Turnpike Road to pay the Sum so proportioned for such Turnpike Road out of the Money then in his Hands, or next to be received by him, in case it shall appear to such Court, from the Circumstances of such Turnpike Debts and Revenues, that the same may be paid without endangering the Security of the Creditors who have advanced their Money upon the Credit of the Tolls to be raised thereupon; which Order shall be binding upon such Treasurer, and he is hereby authorised and required to obey the same.

Where Turnpike Roads are indicted, Court may proportion the Fine and Costs.

XXXIV. Provided always, and be it further enacted, That no Toll-gate shall hereafter be erected on the Side of any Turnpike Road, unless the same be ordered by the Trustees at a Meeting, of which twenty-one Days publick Notice shall have been given in Writing, affixed upon all the Toll-gates erected on such Roads, and also in some publick News-paper circulated in that Part of the Country, specifying the Place where such Side-gate is proposed to be erected, and unless nine Trustees at least (being a Majority of those present) shall sign the said Order at such Meeting; and that no Person shall be liable to pay Toll at any Toll-gate erected, or to be erected, across or on the Side of any Turnpike Road, or be subject to any Penalty for any Carriage, Horse, or Beast, which shall only cross such Road, and shall not pass above one hundred Yards thereon, except over some Bridge, erected at a considerable Expence by the Trustees of such Turnpike Road; any

Rep. Act 5,  
34 Geo. 3. c. 5  
as to Turnpike  
authorised by  
Parliament.

(1) The Court of B. R. may apportion the Fine on an Indictment preferred at the Assizes, and removed by Certiorari. *R. v. Upper Pupworth*, 2 E. 419 — The Trustees stating an Insufficiency of Funds, Time given to the Parish to inspect the Accounts. S. C.

No. 2. Thing in this or any other Act of Parliament contained to the contrary thereof in any-wise notwithstanding.

13 George III.  
c. 84.

Payment of Money subscribed for making or repairing Turnpike Roads, how to be enforced.

XXXV. And be it further enacted, That if any Person or Persons shall agree to advance any Sum or Sums of Money, to be employed in the making or repairing any Turnpike Road or Highway intended to be made Turnpike, and shall subscribe his, her, or their Name or Names to any Writing for that Purpose, every such Person shall be liable to pay every such Sum or Sums of Money so subscribed, according to the Purport of such Writing; and in Default of Payment thereof within twenty-one Days after the same shall become payable, according to the Purport of such Writing, and shall be demanded by the Person to whom the same is made payable by such Writing; or if no Person be named therein for that Purpose by the Treasurer of such Turnpike, or intended Turnpike Road, it shall and may be lawful for every such Treasurer, or other Person, to sue for and recover the same, in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Surveyor to get and carry away Materials by Contract, &c.

XXXVI. And be it further enacted, That on every Turnpike Road where a sufficient Quantity of Stone, Gravel, Chalk, or other Materials, cannot be provided and carried by the Labourers and Teams required to perform Statute-duty upon the same, the Surveyor, with the Approbation of the Trustees of such Road, shall, and is hereby required to contract for the getting and carrying thereof, at some Time and Place to be fixed for that Purpose, of which ten Days Notice in Writing shall be given, by fixing the same on the Door of the Church or Chapel of such Parish, Township, or Place, or, if there be no Church or Chapel, at the most publick Place there, which Notice shall specify the Work to be done, and the Time and Place for letting thereof: And, if any Surveyor shall have any Part, Share, or Interest, directly or indirectly, in any such Contract, or in any other Contract or Bargain, for Work or Materials, to be made, done, or provided, upon, for, or on account of any of the Highways, Roads, Bridges, or other Works under his Care or Management; or shall, upon his own Account, directly or indirectly let to hire any Team, or sell or dispose of any Timber, Stone, or other Materials to be used or employed in making or repairing such Roads, Bridges, or other Works, as aforesaid, unless a Licence in Writing for the Sale of any such Materials, or for letting to hire any such Team, be first obtained from the said Trustees; he shall forfeit, for every such Offence, the Sum of ten Pounds, and be for ever after incapable of being employed as a Surveyor, under the Authority of this or any other Act of Parliament.

Surveyor to have no Share in Contract, no to sell Materials, or hire any Team.

If Surveyor suffers Earth, &c. to lie four Days within ten Feet of the Centre of the Road, forfeits 40s.

XXXVII. And be it further enacted, That if the Surveyor or Surveyors, or other Person or Persons, having the Care of any Turnpike Road, shall knowingly suffer to be or remain, for the Space of four Days, in any Part thereof, within ten Feet on either Side of the Middle of such Road, any Post or

Posts, Heap or Heaps of Stones, Rubbish, or Earth, set up or raised in or above the Surface of the said Road, by which the Passage thereof shall or may be obstructed, impeded, confined, or straitened (other than and except Posts, Blocks, Stones, or Banks of Earth, fixed in the Ground, or raised, for securing Horse or Foot Roads, or Passages for Water, and also Direction Posts and Stakes), such Surveyor, or other Person, shall forfeit the Sum of forty Shillings.

No. 2.  
George III  
c. 84.

‘XXXVIII. And whereas Inconveniences have arisen from making Hedges or other Fences, and from ploughing or breaking up the Soil of Lands or Grounds, near the Middle or Centre of Turnpike Roads, for Remedy thereof, be it further enacted, That if any Person shall incroach, by making or causing to be made, any Hedge, Ditch, or other Fence on any Turnpike Road, within the Distance of thirty Feet from the Middle or Centre thereof; or shall plough, harrow, or break up the Soil of any Land or Ground; or in ploughing or harrowing the adjacent Lands, shall turn his or their Plough or Harrow in or upon any Land or Ground within the Distance of fifteen Feet from the Middle or Centre of any Turnpike Road made or to be made; every Person so offending shall forfeit, for every such Offence, forty Shillings, to such Person as shall make Information of the same: And it shall be lawful for the Trustees who have the Care of any such Road, or any five or more of them, to cause, such Hedge, Ditch, or Fence, to be taken down or filled up, at the Expence of the Person or Persons to whom the same shall belong; and it shall or may be lawful for any one or more Justice or Justices of the Peace of the Limit where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Hedges as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offenders Goods and Chattels, rendering the Overplus to the Owner on Demand.

Persons making  
Incroachments  
forfeit 40s.

‘XXXIX. And whereas in some Places it hath been and may be found necessary, and the Trustees of all Turnpike Roads are hereby authorised and required to secure, or cause to be secured, Horse Causeways, and Foot Causeways to travel upon, in publick Highways, by Posts, Blocks, or great Stones fixed in the Ground, or by Banks of Earth cast up, or otherwise, from being broken up and spoiled with Waggon, Wain, Carts or Carriages; and forasmuch as several evil-disposed Persons do or may wilfully or wantonly pull up, cut down, and remove or damage the said Posts, Blocks, and great Stones, so fixed, or to be fixed, as aforesaid, and drive Carriages upon such Banks and Causeways, or against the Sides thereof, and also dig or cut down the said Banks, which are the Securities and Defence of the said Causeways, whereby the Causeways or Banks are often ruined and destroyed; and such evil-disposed Persons do or may break, damage, or throw down the Stones, Bricks, or Wood fixed upon the Parapets or Battlements of Bridges, and do or

Persons Dam-  
aging Mile-  
stones, &c.



No. 2. 'may pull down, destroy, obliterate, or deface, any Mile-  
 17 George III. stone or Post, Graduated or Direction Post or Stone, erected  
 c 84 'or to be erected, upon any Turnpike Road:' For Prevention  
 fi its not ex- thereof, be it enacted, That every Person who shall be guilty  
 ceeding 5l nor less than 10s. of any such Offence, shall upon Complaint thereof made to any Justice of the Peace of the Limit where the same shall be proved to be done, by the Oath of any one credible Witness, or upon View of the Justice himself, forfeit, for every of the said Offences, any Sum not exceeding five Pounds, nor less than ten Shillings; and in Default of Payment thereof, shall be committed to the House of Correction of such Limit, there to be whipped and kept to hard Labour, for any Time not exceeding one Calendar Month, nor less than seven Days, at the Discretion of such Justice, unless the same be sooner paid.

'XL. And whereas many bad Accidents happen, and great Mischief is frequently done upon the Streets and Highways, being Turnpike Roads, by the Negligence or wilful Misbehaviour of Persons driving Carriages thereon;' be it therefore enacted, That if the Driver of any Cart, Car, Dray, or Waggon shall ride upon any such Carriage, in any Street or Highway, not having some other Person on Foot, or on Horseback, to guide the same (such Carriages as are conducted by some Person holding the Reins of the Horse or Horses drawing the same excepted); or if the Driver of any Carriage whatsoever, on any Part of any Street or Highway, shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing or being upon such Street or Highway; or shall quit the Highway, and go on the other Side the Hedge or Fence inclosing the same; or wilfully be at such Distance from such Carriage, or in such a Situation, whilst it shall be passing upon such Highway, that he cannot have the Direction and Government of the Horses or Cattle drawing the same; or shall, by Negligence or wilful Misbehaviour, prevent, hinder, or interrupt the free Passage of any other Carriage, or of his Majesty's Subjects, on the said Highways; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, shall refuse or neglect to turn aside and make Way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other loaded Carriage; or if any Person shall drive, or act as the Driver of, any such Coach, Post-Chaise, or other Carriage let for Hire, or Waggon, Wain, or Cart not having the Owner's Name, as hereby required, painted thereon; or shall refuse to discover the true Christian and Surname of the Owner of such respective Carriage; every such Driver so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice of Peace, or by the Oath of one or more credible Witness or Witnesses, before any Justice of the Peace of the Limit where such Offence shall be committed, shall, for every such Offence, forfeit any Sum not exceeding ten Shillings, in case such Driver shall not be the Owner of such Carriage; and in case the Offender be the Owner of such Car-

Driver not attending his Carriage, or wilfully misbehaving.

forfeits, if not the Owner of the Carriage, not exceeding 10s.

riage, then any Sum not exceeding twenty Shillings; and in either of the said Cases shall, in Default of Payment, be committed to the House of Correction for any Time not exceeding one Month, unless such Forfeiture shall be sooner paid; and every such Driver, offending in either of the said Cases, shall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be immediately conveyed or delivered to a Constable, or other Peace Officer, in order to be conveyed before some Justice of the Peace, to be dealt with according to Law; and if any such Driver, in any of the Cases aforesaid, shall refuse to discover his Name, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction for any Time not exceeding three Months, or to proceed against him for the Penalty aforesaid, by a Description of his Person and the Offence, and expressing in his Proceedings, that he refused to discover his Name.

No. 2.

George III.

c. 84

and if the Owner, not exceeding 20s.

May be apprehended without Warrant.

‘XLII. And, for the better Convenience of Travellers, where several Highways meet, be it further enacted, That the Trustees appointed to execute any Act of Parliament made for the Repair of any Turnpike Road, shall direct the Surveyor of every such Turnpike Road, where several Highways meet, and there is no sufficient Direction Post or Stone already fixed or erected, forthwith to erect, or cause to be erected or fixed, in the most convenient Place where such Ways meet, a Stone or Post, with an Inscription thereon in large Letters, containing the Name of, and Distance from, the next Market-town or Town, or other considerable Place or Places to which the said Highways respectively lead; and also at the several Approaches or Entrances to such Parts of any Highways as are subject to deep or dangerous Floods, Graduated Stones or Posts, denoting the Depth of Water in the deepest Part of the same, and likewise such Direction Posts or Stones as the said Trustees shall judge to be necessary, for the guiding of Travellers in the best and safest Tract through the said Floods or Waters; and also shall order the said Surveyor to erect Mile-stones or Posts upon such Turnpike Road, with proper Inscriptions and Figures thereon, denoting the Names and Distances from the principal Towns or Places on each respective Road, and from Time to Time to repair such Stones and Posts, and keep and continue legible the Inscriptions thereon respectively; and the said Surveyor shall be reimbursed the Expences of providing, erecting, repairing, and continuing the same respectively, out of the Tolls and Duties granted by such Acts respectively; and in case any Surveyor shall, by the Space of three Months after such Direction to him or them given, neglect or refuse to cause any such Stone or Post to be fixed or repaired as aforesaid, every such Offender shall forfeit the Sum of twenty Shillings.

Trustees to order Direction-Posts or Stones to be put up, &amp;c.

‘XLIII. And, to prevent the malicious destroying of any Turnpike-gate or House, which hath been or shall hereafter

Malicious destroying Turnpike-gates, &amp;c.

No. 2. 'be erected,' be it further enacted, That if any Person or Persons whatsoever shall, either by Day or Night, wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy any Turnpike-gate or Turnpike-gates, or any Post or Posts, Rail or Rails, Wall or Walls, or any Chain, Bar, or other Fence or Fences, belonging to any Turnpike-gate, or any other Chain, Bar, or Fence, of any Kind whatsoever, set up or erected, or hereafter to be set up or erected, to prevent Passengers from passing by without paying any Toll, laid, or directed to be paid, by any Act or Acts of Parliament made for that Purpose; or any House or Houses erected, or to be erected, for the Use of any such Turnpike-gate or Turnpike-gates; or any Crane, Machine, or Engine, made or erected, or to be made or erected, on any Turnpike Road by Authority of Parliament, for weighing Waggon's, Carts or Carriages; or shall forcibly rescue any Person or Persons, being lawfully in Custody of any Officer, or other Person, for any of the Offences before-mentioned; that then, and in any of the said Cases, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony; and shall be transported to one of his Majesty's Plantations abroad for seven Years, or shall be committed to Prison for any Time not exceeding three Years, at the Discretion of the Judge or Court before whom such Offender shall be tried; and any Indictment for such Offences shall and may be enquired of, examined, tried, and determined in any adjacent County within that Part of Great Britain called England, in such Manner and Form, as it the Facts had been therein committed.

Hundred shall  
make Satisfaction  
for Damages done, unless,

XLIII. And be it further enacted, That the Inhabitants of every Hundred within that Part of Great Britain called England, within which such Offence or Offences shall be committed, by pulling down or destroying any such Turnpike-gate or Gates, or any such Post or Posts, Rail or Rails, Wall or Walls, belonging to any Turnpike-gate or Gates, or any such Chain, Bar, or Fence, or any House or Houses, set up or erected, or to be set up or erected, for the Use or Service of collecting the Tolls, or any Crane, Machine, or Engine, made or erected on any Turnpike Road, by Authority of Parliament, for weighing Waggon's, Carts, or Carriages, at any Place appointed by the respective Trustees, or any five or more of them, acting under any Act or Acts of Parliament, for amending any Turnpike Road, shall make full Satisfaction for the Damages that shall be thereby suffered; and that the said Damages shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, and in the Name of the Clerk of the Peace of the County for the Time being, wherein such Offence or Offences shall be committed, without naming the Christian or Surname of the Clerk of the Peace; and such Action shall not be abated or discontinued by the Death or Removal of any such Clerk, but may be sued and prosecuted by his Successors; and the said Damages, so to be recovered, shall be to the only Use and Behoof of the Trust-

tees of such Turnpike Road, where the Offence shall have been committed, to be by them applied and disposed of to the several Uses and Purposes, and in such Manner, as the several Tolls, Rates, and Duties, by virtue of such Act or Acts of Parliament, shall be applied and disposed of; and all and every the Inhabitants such of Hundred shall be rateably and proportionably taxed for and toward an equal Contribution for the Relief of such Inhabitant or Inhabitants against whom Execution for such Damages shall be had and levied, which Tax shall be levied and raised by such Means, and in such Manner and Form, as is prescribed and mentioned for the levying and raising the Damages recovered against Inhabitants of Hundreds, in case of Robberies, by any Act or Acts of Parliament: Provided, that upon Conviction of any such Offender, within twelve Months after the Offence committed, any Hundred, or the Inhabitants thereof liable to make, and having made such Satisfaction, shall be repaid the Sums they have so paid out of the Tolls of the Turnpike where such Offence was committed.

No. 2.

George III. c. 84.

XLIV. And whereas great Mischiefs have arisen from mean Persons acting as Trustees in the Execution of such Acts of Parliament, made for repairing publick Roads in that Part of Great Britain called *England*, as do not direct and require that the Trustees thereby appointed shall be qualified to act as such by the Possession of Real or Personal Estates to a certain Value; be it therefore enacted, That no Person shall be qualified, or capable of acting as a Trustee in the Execution of any such Act, as aforesaid, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of forty Pounds; or possessed of, or entitled to, a personal Estate to the Value of eight Hundred Pounds; or shall be Heir-apparent of a Person possessed of an Estate in Land of the clear yearly Value of eighty Pounds; and unless he hath taken, or shall (not being such Heir-apparent as aforesaid), before he acts as such Trustee, take and subscribe the Oath following before any two or more of the Trustees appointed, or to be appointed, by or in pursuance of such Act, who are hereby authorised and empowered to administer the same in the Words, or to the Effect following; that is to say,

Qualification of Trustees, where the particular Act has not fixed it.

**I** A. B. do swear, That I truly and bona fide am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of forty Pounds; or possessed of, or entitled to, a Personal Estate to the Value of eight hundred Pounds (as the Case may be).

Oath of Trustees

So help me God.

And if any Person shall presume to act contrary to the true Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of fifty Pounds to any Trustees acting without taking the Oath, forfeit sol.

No. 2. Person who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; and such Person so sued or prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of fifty Pounds, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of any such Act.

Clerks, &c. to deliver up Accounts when required, &c.

XLIV. And be it further enacted, That all Clerks, Treasurers, Surveyors, and other Officers, appointed, or to be appointed, by any Act or Acts made for the Repair of any Turnpike Roads, and their respective Executors or Administrators, shall, within ten Days after Notice in Writing to them respectively given by the Trustees of such Roads, or any five or more of them, at a Meeting held pursuant to such Act, produce and deliver up to such Trustees, all Books, Accounts, Papers, or Writings whatsoever, relative to the Execution of such respective Offices, which shall be in their Custody or Power; and every such Officer or Person as aforesaid, neglecting or refusing to produce and deliver up such Books, Accounts, Papers, or Writings, after such Notice as aforesaid, shall, for every such Neglect or Refusal respectively, forfeit the Sum of twenty Pounds.

No Person keeping a publick House shall be a Trustee, or hold a Place of Profit;

XLVI. And it is hereby further enacted, That no Person or Persons who shall keep any Victualling-house, Ale-house, or other House of publick Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors, by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the Trustees of any Act of Parliament made, or to be made, for erecting Turnpikes respectively, or of collecting the Tolls thereby granted and made payable, during such Time as he shall keep such Victualling-house, Ale-house, or other House of publick Entertainment, or shall sell any Wine, Beer, Cyder, Ale, Spirituous or other Strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he employs a Person to collect them who shall not be under any such Incapacity.

but may farm Tolls.

Trustees may direct Prosecutions for Nuisances, &c.

XLVII. And whereas the Trustees of several Turnpike Roads are not sufficiently impowered to punish Nuisances in the several Roads under their Care; be it therefore further enacted, That the said Trustees of the several Roads respectively, or any five or more of them, at a public Meeting, may, and they are hereby impowered, if they think fit, to direct Prosecutions by Indictment against the Offender or Offenders for any Nuisance done, committed, or continued, in or upon any of the Turnpike Roads under their Care respectively, at the Expence of the Revenues belonging to such Turnpike Roads, to be allowed by such Trustees, or any five or more of them, at some subsequent Meeting: Provided, that nothing in this Act shall be construed to impower the Trustees to prosecute, or cause to be prosecuted, any Person

for any such Offence, unless upon the Confession of the Offender, or that one or more Witness or Witnesses can be had and produced to prove the Commission of such Offence.

No. 2.  
George III.  
c. 84.

'XLVIII. And whereas fraudulent Contrivances may be practised by Offenders, their Friends, and others, to evade the just Recovery of Forfeitures and Penalties inflicted by Laws relating to Turnpike Roads, by setting up colourable Prosecutions, with Intent to favour Offenders against the said Laws, and to discourage just and real Prosecutions; for Remedy thereof, be it enacted, That it shall and may be lawful for all and every Justice and Justices of the Peace, before whom there shall be any Information or Proceeding for any Penalty or Forfeiture inflicted by this or any Act or Acts of Parliament made for repairing and amending Turnpike Roads, and they are hereby required, where any Information or Conviction shall be set up or insisted upon, by Way of Defence, or to defeat any Information or Proceeding, or any Forfeiture or Penalty inflicted as aforesaid, to examine into the real Merits of such Information, Proceeding, or Conviction; and if thereupon it shall appear that the same was not done, made, or prosecuted effectually, to recover and apply the Penalty or Forfeiture for the true and real Ends and Purposes for which such Penalties or Forfeitures were enacted, but to favour the Offender, such Information or Conviction shall be deemed to be fraudulent, and null and void to all Intents and Purposes whatsoever; and every such Justice or Justices of the Peace shall proceed to determine and convict, as if no Information or Conviction had been made, prosecuted, or obtained.

Information  
for Penalties in  
order to favour  
the Offender,  
deemed fraudu-  
lent and void.

XLIX. And be it further enacted, That where a sufficient Number of the Trustees appointed by any Act or Acts of Parliament, made for amending or repairing any particular Turnpike Road, shall not meet on the Day appointed by any such Act or Acts respectively for their first Meeting, or shall not meet on the Day appointed by Adjournment for their Meeting, or for want of a proper Adjournment, by which Means, or by some or one of them, the Intent of the said Act or Acts may be frustrated; in all or either of the said Cases, it shall be lawful for so many of the said Trustees as shall meet, or the major Part of them, or in case no such Trustee shall be present, for their Clerk or Clerks, to cause Notice in Writing to be affixed on all Turnpike-gates which shall be then erected on the said respective Roads, or if no Turnpike-gate shall be then erected, to cause the like Notice to be affixed in the most conspicuous Place in one of the principal Towns or Places nearest to which the Road is to be repaired do lie, and also in some publick Newspaper circulated in that Country, at least ten Days before the intended Meeting, appointing such Trustees to meet at such Place where the preceding Meeting was appointed to have been held, or at the Place directed for the first Meeting of such Trustees, if no such preceding Meeting shall have been held; and the said Trustees, when met, in pursuance of such Notice, shall and may, and they are hereby required, to proceed and carry such Act or Acts into Execution, in the same

If sufficient  
Number of  
Trustees do not  
appear, the  
Clerk may give  
Notice

No. 2. and as ample and full a Manner, to all Intents and Purposes,  
 13 George III. as they might or could have done if no such Neglect had hap-  
 c. 84. pened.

No Meeting to  
 be adjourned for  
 more than three  
 Months, &c.

L. Provided nevertheless, and be it further enacted, That no Meeting of such Trustees shall at any Time be adjourned for any longer Time than three Calendar Months from the Day on which such Adjournment shall be made; and that no Business shall be done or proceeded upon by the Trustees, at any Meeting to be held under this or any other Act or Acts of Parliament made for repairing any Turnpike Roads, before the Hour of Ten in the Forenoon; and that no Adjournment shall be made to any Hour later than Two in the Afternoon of the Day on which such Meeting shall be appointed to be held; and that every Act agreed upon at any Meeting shall be signed at the said Meeting by a competent Number of Trustees, or otherwise every such Meeting, Adjournment, and Act respectively, shall be void and of none Effect.

If Trustees  
 cause Gates to  
 be erected con-  
 trary, &c.

L.I. And be it enacted, That if the Trustees appointed, or to be appointed, to put any Act of Parliament made for the Repair of any Turnpike Road into Execution, shall abuse or exceed their Power, by erecting, or causing to be erected, or continuing, or causing to be continued, any Gate or Gates, Turnpike or Turnpikes, where they have not any Power by virtue of any Act of Parliament to erect such Gate or Gates, Turnpike or Turnpikes, it shall and may be lawful to and for the Justices of the Peace of the Limit where any such Gate or Gates, Turnpike or Turnpikes, is or shall be erected or continued, in their General Quarter Sessions assembled, upon Complaint of such Abuse or Excess of Power in such Trustees, in a summary Way to hear and determine the same, and thereupon to order the Sheriff of the County, who is hereby authorised and required to execute such Order, to remove any such Gate or Gates, Turnpike or Turnpikes.

Justices may  
 order them to  
 be removed.

Mortgagees in  
 Possession of  
 the Tolls to ac-  
 count upon  
 Oath.

LII. And be it enacted, That all and every Mortgagee and Mortgagees, that hath or have taken, or been in Possession, or shall hereafter take or be in Possession of, any Toll-gate or Bar, yet up or erected on any Turnpike Road, or of any Lands or Tenements, the Rents and Profits whereof are appropriated to the Repairs of any Part of any Turnpike Road, shall, within fourteen Days after he, she, or they, shall have received Notice, in Writing, from the Trustees of such Turnpike Roads, or any five of them, render upon Oath, to be administered and taken by and before one Justice of the Peace, or any one Trustee of such Turnpike Road, an exact Account, in Writing to such Trustees, or to any Person appointed by them, or any five of them, to be named in such Notice, of all Monies received by such Mortgagee or Mortgagees, or by any other Person or Persons, for his, her, or their Use and Benefit, or by his, her, or their Authority, at such Toll-gate or Bar, or otherwise, and of what he, she, or they, have expended in keeping or repairing the same: And in case he, she or they, shall neglect to render such Account when required, in the Manner herein

directed, he, she, or they, shall severally forfeit and pay to the said Trustees, for every Refusal, Neglect, or Omission to render such Account, the Sum of ten Pounds; to be recovered by the said Trustees, or any five or more of them, or by the Treasurer or Clerk to the said Trustees, in a summary Manner, before one Justice of the Peace, which, when recovered, shall be applied to the Use of the respective Road or Roads whereon such Toll-gate or Bar shall be placed.

No. 2.  
George III.  
c. 84.

LIII. And be it further enacted, That if any such Mortgagee or Mortgagees shall keep Possession of any Toll-gate or Bar, by him, her, or themselves, or by any other Person or Persons on his, her, or their Behalf, and receive the Tolls or Duties thereat, or of any such Rents or Profits, as aforesaid, after such Mortgagee or Mortgagees shall have received the full Sum or Sums of Money due on their respective Mortgage or Mortgages, and the Interest thereof, with Costs, such Mortgagee or Mortgagees shall forfeit and pay, as a Penalty to the said Trustees, Double the Sum or Sums of Money, he, she, or they shall have received over and above the Sum or Sums of Money due, as aforesaid, with Treble Costs of Suit; to be recovered by the said Trustees, or by the Treasurer or Clerk to such Trustees, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record; which, when recovered, shall be applied to the Use of the respective Road or Roads on which such Toll-gate or Bar shall be placed, or such Rents appropriated.

If Mortgagee keeps Possession after he has received the Money due, he shall forfeit Double the Sum and Treble Costs.

LIV. Provided always, and be it further enacted, That it shall and may be lawful for any two or more Trustees of any Turnpike Road, upon the Death of any Toll-gatherer or Gate-keeper, appointed, or to be appointed, to collect the Tolls upon such Turnpike Road, to nominate and appoint some other fit Person in his Place until the next Meeting of the Trustees of such Road, which Person, so to be nominated and appointed, shall have the like Power and Authority, and be accountable in the same Manner, in all Respects, as the Person so dying had, or would have been, if living: And that if any Toll-gatherer or Gate-keeper, who shall be discharged from his Office by the Trustees authorised for that Purpose, shall refuse to deliver up the Possession of the House, Buildings, and Appurtenances, which he enjoyed in Right of his Appointment to that Office, within two Days after Notice of his Discharge shall be given to him, or left at his House; or if the Wife or Family of any such Toll-gather or Gate-keeper, who shall die, as aforesaid, shall refuse to deliver up the Possession of such House, Buildings, and Appurtenances, within four Days after such new Appointment shall be made, as aforesaid; then, and in either of the said Cases, it shall and may be lawful for any Justice of the Peace for the Limit where such Turnpike-house shall be, by Warrant under his Hand and Seal, to order the Constable, or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their

On Death of Gate-keeper, Trustees may nominate another till next Meeting.

If Gate-keeper refuses to deliver Possession of the House, &c. Justices may order, &c.



No. 2. Gools, out of such House, and to put the new-appointed  
13 George III. Officer into the Possession thereof.  
c. 84.

Gate-keepers  
and Surveyors  
to account upon  
Oath.

LV. And be it further enacted, That the Gate-keeper or Toll-gatherer of every such Toll-gate or Bar, and every Surveyor of any Turnpike Road, shall, when required, by Notice in Writing from the said Trustees, or any five or more of them, render upon Oath, to be administered by and taken before any one Justice of the Peace, or Trustee of such Turnpike Road, a true and exact Account, in Writing, to the said Trustees, or to any Person to be named in such Notice, appointed by them, or any five or more of them, of all Monies received by him, her, or them, at such Toll-gate or Bar, or otherwise, on Account of such Turnpike Road, not before accounted for, under the Penalty of five Pounds for every such Offence or Neglect; to be recovered in a summary Manner before any one Justice of the Peace, and applied to the Use of the respective Road on which such Toll-gate shall be placed.

No Gate-keeper to be removed as a Pauper, unless actually chargeable, &c.

nor shall gain a Settlement by receiving the Tolls, nor be assessed,

LVI. And be it further enacted, That no Gate-keeper of any Turnpike Road, or Person renting the Tolls thereof, and residing in any Toll-house belonging to the said Trust, shall be removeable from such Toll-house by the Order of any Justices of the Peace, in pursuance of any Laws now in being, for the Relief or Regulation of the Poor, unless he shall become actually chargeable to the Parish or Place in which such Toll-house is situate; and that no such Gate-keeper, or Person renting such Tolls, and residing in such Toll-house, as aforesaid, shall thereby gain a Settlement in any Parish or Place whatsoever; and that no Tolls to be taken at any Gate erected, or to be erected, by the Trustees of any Turnpike Road, nor any Toll-house erected, or to be erected, for the Purpose of collecting the same, nor any Person in respect of such Tolls, or Toll-house, shall be rated or assessed towards the Payment of any Pools Rate, or any other publick or parochial Levy whatsoever.

Gate-keepers permitting otherwise than allowed by the Act, and not prosecuting, s. 405.

LVII. And be it further enacted, That if any Toll-gatherer or Gate-keeper shall permit or suffer any Waggon, Wain, Cart, or other Carriage, to be drawn or pass upon any Turnpike Road within the View, or with the Knowledge, of such Gate-keeper or Toll-gatherer, or to pass through any Toll-gate or Bar with any greater Number of Horses, or Beasts of Draught, or with any Carriage constructed or drawn in any other Manner than is before directed, or without such Names and Descriptions painted thereon as are hereby directed, and shall not, within the Space of one Week, proceed for the Recovery of the Forfeiture or Penalty hereby inflicted for every such Offence, in the Manner directed or authorised by this Act, he shall forfeit and pay, for every such Neglect, the Sum of forty Shillings.

LVIII. And whereas there are or may be Turnpike Roads in such a State and Condition with regard to their Repairs, and the Revenues arising upon them, that the Statute-duty required to be performed upon the same, or some Part thereof, may be dispensed with, and employed more

'conveniently for the Benefit of the other publick Highways within the Parish, Township, or Place, in which such Turnpike Road lies;' be it therefore enacted, That it shall and may be lawful for the Justices of the Peace, at any Special Sessions, upon Application to them made by the Surveyor of any Parish, Township, or Place, in the Situation herein-before described, to summon the Clerk and Surveyor of such Turnpike Road to appear before them, at some other Special Sessions, and then and there to produce before them a State of the Revenues and Debts belonging to such Turnpike Road, and for such Justices then and there to inquire into the State and Condition of the Repairs thereof, and also of such other Highways; and if it shall appear to them upon full and clear Evidence, that the Whole or any Part of such Statute-duty, may be conveniently dispensed with from such Turnpike Road, without endangering the Securities for the Money advanced upon the Credit of the Tolls thereof, and that such Statute-duty is wanted for the Repairs of the other Highways within such Parish, Township, or Place, then, and in that Case, it shall and may be lawful for the said Justices to order the Whole, or Part of such Statute-duty to be performed upon the Highways, not being Turnpike, within such Parish, Township, or Place, under the Direction of the Surveyor thereof, during such Time as to them shall seem just and reasonable, and the same shall be performed accordingly; any Thing in this or any other Act of Parliament contained to the contrary thereof in any-wise notwithstanding.

No. 2.  
13 George III.  
c. 84.  
Justices at  
Special Sessions  
may transfer  
Part of the  
Statute-duty,  
&c.

LIX. Provided always, and be it further enacted, That it shall and may be lawful for the Justices of the Peace, within the Principality of *Wales*, at their respective General Quarter Sessions of the Peace, to be held in the Week after *Michaelmas*, to license an Increase of the Number of Horses to be employed in drawing Carriages on any Turnpike Road within their respective Jurisdictions, over and above the Number herein before limited, if, upon Enquiry into the State and Condition of such Roads, they shall find any additional Number of Horses necessary, and, from Time to Time, at any *Michaelmas* Quarter Sessions, to revoke, alter, or vary the same, as they shall think fit; and that neither the Owner or Driver of the Horses so licensed shall incur any Forfeiture for using such increased Number of Horses.

Justices in  
*Wales* may  
allow additional  
Number of  
Horses.

LX. And be it further enacted, That no Toll shall be collected or received at any Toll-gate for or in respect of Carriages solely employed in carrying Materials for the Repair of any Turnpike Road or publick Highway, or for going to such Employment, or returning after having been so employed.

No Toll for  
Carriages carrying  
Materials  
for Roads.

LXI. And whereas it has been found by Experience, that small Stones being permitted to lie upon the Land are a Benefit thereto, be it therefore enacted, That no Surveyor shall gather, or cause to be gathered, any Stones for the Use of the Highways, upon or from the common Fields or inclosed Lands or Grounds, of any Person or Persons whomsoever,

No Surveyor  
to gather Stones  
without Consent,  
or Licence.

No. 2.  
13 George III.  
c. 84.

without the Consent of the Occupier of such Lands or Grounds, or a Licence from a Justice of Peace of the Limit where such Lands or Grounds lie for that Purpose, after having summoned such Occupier to come before him, and heard his Reasons, if he shall appear and give any, for refusing his Consent; any Thing contained in this Act, or in any Act of Parliament, for making and repairing Turnpike Roads, to the contrary thereof in any-wise notwithstanding.

Power for  
Trustees to  
agree with Per-  
sons liable to  
repair, &c.

LXII. And whereas many Persons are liable by Tenure, Inclosure, or otherwise, to the Repair of certain Highways, which having become Turnpike Roads, are more used, and occasion an Increase of the Expence in repairing and maintaining thereof, which ought, in some Degree, to be laid upon such Turnpike Road: For Remedy whereof, be it further enacted, That it shall and may be lawful for the Trustees of such Turnpike Road to agree with the Person or Persons liable to repair such Highway, for the Repair thereof, in such Manner as they shall think fit, and to contribute so much to the Repair thereof, out of the Tolls arising upon such Turnpike Road, or out of the Statute-duty belonging to the same, as they shall think just and reasonable.

Persons liable  
to repair old  
Highways  
turned or stop-  
ped up, shall be  
liable to repair  
a Part of the  
new Highway,  
&c.  
See *Cowp.* 6to.

LXIII. And whereas Parts of Highways or Turnpike Roads, have been or may be diverted and turned by legal Authority, to make the same neater or more commodious to the Publick; and Doubts have arisen, and may arise, whether the Inhabitants of any Parish, Township, or Place, or any particular Person or Persons, liable to repair the old Highway or Road, so deviated from by Statute-duty, Tenure, or otherwise, ought to repair, or contribute to the Repair of the Whole, or some, and what Part or Proportion of such new Highway or Road: For obviating which Doubts, and preventing Disputes about the same, be it enacted, That the Inhabitants of every such Parish, Township, or Place, and Person or Persons, who was, were, or shall be liable as aforesaid, to the Repair of any such old Highway or Road, which hath been, or shall be so diverted and turned, (2.) shall respectively be and continue in the same Manner liable to the Repair of such new Highway or Road, or so much thereof as shall be equal to the Burthen and Expence of repairing such old Highway or Road from which he, she, or they shall be exonerated; by turning the same, as aforesaid; and that if the several Parties interested cannot agree therein, the same shall be viewed by two Justices of the Peace of the Limit where such Road shall be, and settled, adjusted, and determined by them, in such Manner as they shall think just and reasonable; and from and after such Determination of the Justices, the Inhabitants of the said Parish, Township, or Place, or the Person or Persons liable to repair such new Highway or Road, as aforesaid, shall bear all Charges and Expences of Indictments and Prosecutions for not repairing the same: And if it shall be

(2) This Provision extends to Roads widened by virtue of 13 George III. c. 78, sec. 16. *R. v. Balme*, *Cowp.* 648.

found more convenient to fix a gross Sum, or an annual Sum, to be paid by any such Inhabitants, or Person or Persons, towards the Repair of such new Highway or Road, instead of fixing the Part or Proportion of such new Highway or Road, to be repaired by him, her, or them, the said Justices may, with the Consent of such Person or Persons, and also of the Inhabitants interested therein, obtained at a Vestry or publick Meeting held for that Purpose, and also of the Trustees at a publick Meeting, if it be Turnpike Road, order and direct the same accordingly; which Order shall be, and for ever after continue, binding to all Persons whomsoever.

No. 2.  
George III,  
c. 84.

LXIV. And be it further enacted, That in all Cases where any Action shall be brought by or against any Trustee or Trustees of any Turnpike Road, Evidence of such Trustee or Trustees having acted as such, together with the Act of Parliament by which he or they was or were appointed, or the Order, or a Copy of the Order, for his or their Appointment or Election, in case he or they was or were appointed or elected by the Trustees, shall be sufficient Proof of his or their being a Trustee or Trustees.

If Action be brought against a Trustee, Evidence of his being appointed and acting, sufficient.

LXV. And be it further enacted, That every Treasurer and Surveyor of any Turnpike Road, who hath not already given proper Security to the Trustees of such Turnpike Road, duly to pay and account for the Money which hath come, or shall come to his Hands, as Treasurer or Surveyor, shall, on or before the twenty-fifth Day of December next, and every succeeding Treasurer and Surveyor shall, within one Month after his Appointment, give a Bond to the said Trustees, with a sufficient Surety, in such Penalty as the said Trustees, at any publick Meeting, shall direct, conditioned for the duly paying and accounting for all such Money which shall be then in his Hands, or which he shall afterwards receive, as Treasurer or Surveyor, according to the Directions of the several Acts of Parliament respecting such Turnpike Road; which Bond shall be wrote upon Paper without any Stamp thereupon.

Treasurer and Surveyors who have not given Security, shall give Bond, &c.

LXVI. And be it further enacted, That upon the thirtieth Day of September one thousand seven hundred and seventy-three, the Trustees of every Turnpike Road within that Part of Great Britain called England, shall, and are hereby required to put up, or cause to be put up, and afterwards to be continued, upon every Toll-gate within their respective Districts, a Table of all the Tolls payable at every such Gate, distinguishing each Toll; and the different Sorts of Carriages for which they are to be paid, where there shall be any Variation therein; and also a Table of the Weights allowed for each Carriage with the Loading thereof in Summer and Winter: And that the said Trustees shall, and are hereby required, from Time to Time, to examine and inspect, or cause to be examined and inspected, every Weighing Engine, which shall be erected upon their respective Turnpike Roads, in order to see that the same, with the Weights belonging thereto, are kept in good Condition to weigh the Carriages and Loading with Accuracy.

Trustees to put a Table of the Tolls, &c.



No. 2. LXVII. And be it further enacted, That in all Carriages, wherein Oxen or Neat Cattle shall be used, two Oxen or Neat Cattle shall be considered as one Horse, for all the Purposes mentioned in this Act, or any particular Turnpike Act, with respect to Tolls or other Things.

George III. c. 84.  
Two Oxen to be considered as one Horse.

Name of the Owner of every Waggon, &c. used for Hire to be painted upon it.

LXVIII. And, for the better Discovery of Offenders 'against this Act,' be it enacted, That the Owner of every Waggon, Wain, or Cart, and also of every Coach, Post-chaise, or other Carriage, let to hire, shall paint, or cause to be painted, upon some conspicuous Part of his Waggon, Wain, or Cart, and upon the Pannels of the Doors of all such Coaches, Post-chaises, or other Carriages, before the same shall be used upon any Turnpike Road, his or her Christian and Surname, and the Place of his or her Abode, in large legible Letters, and continue the same thereupon, so long as such Waggon, Cart, Coach, Post-chaise, or other Carriage, shall be used upon any such Turnpike Road; and the Owner of every Common Stage Waggon or Cart, employed in travelling Stages from Town to Town, shall, over and above his or her Christian and Surname, paint, or cause to be painted, on the Part, and in the Manner aforesaid, the following Words, *Common Stage Wagon* (or *Cart*, as the Case may be); and every Person using any such Carriage, as aforesaid, upon any Turnpike Road, without the Names and Descriptions painted thereon respectively, as aforesaid, or who shall paint, or cause to be painted, any false or fictitious Name, or Place of Abode, on such Waggon, Wain, Cart, Coach, Post-chaise, or other Carriage, shall forfeit, for every such Offence, a Sum not exceeding five Pounds, nor less than twenty Shillings.

Repealed by 16 Geo. 3. c. 39.

LXIX. And be it further enacted, That from and after the twenty-ninth Day of September one thousand seven hundred and seventy-six, the Tire of the Wheels of all Waggons, Wains, Carts, and Carriages, to be used upon any Turnpike Road, shall be countersunk in placing the same upon the Felloes, in such Manner that the Nails shall not rise above the Surface, and that the Sole or Surface of the Wheels shall be quite flat; and the Owner of every Carriage offending therein shall forfeit the Sum of forty Shillings; and every Driver, not being the Owner, the Sum of twenty Shillings, for every Offence.

When the Powers for providing Materials, &c. are ineffectual, and more ample Powers are given by the Highway Act.

LXX. And whereas the Powers given by several Turnpike Acts are ineffectual for the Purposes of digging, providing, and carrying Materials, for the Use of the Turnpike Roads therein described, and also for the Purposes of enlarging, diverting, and turning such Turnpike Roads, and stopping up, selling, and disposing of the old Roads so to be diverted and turned; and also for the making, opening, and cleansing of Ditches and Drains, and the cutting and pruning of Hedges and Trees; and also for the calling forth and compelling the Performance of the Statute-duty which shall belong to such Turnpike Roads: And whereas more ample Powers, under proper Guards and Restrictions, have been given, or

' may be given, for the several Purposes aforesaid, by certain No 2.  
 ' Clauses, Provisions, and Regulations, contained, or to be 13 George III.  
 ' contained, in the Act or Acts of Parliament made, or to be c. 84.  
 ' made, for the Amendment and Preservation of the Highways  
 ' in general (which Highways comprehend and include Turn-  
 ' pike Roads;) and it may be more beneficial to the Turnpike  
 ' Roads, and to the Publick, if the Surveyors of Turnpike  
 ' Roads were authorised, within their respective Limits, to  
 ' apply Part of the Tolls and Statute-duty in carrying the said  
 ' Powers into Execution, for the Use and Improvement of such  
 ' Turnpike Roads;' be it therefore enacted, That the Survey-  
 ' ors of every Turnpike Road, within that Part of *Great Britain* the Surveyor  
 ' called *England*, shall and may, with the Approbation of the may enforce  
 ' Trustees of every such Turnpike Road, apply any Part of the these Powers  
 ' Tolls and Statute-duty arising to, from, or in respect of every under the Re-  
 ' such Turnpike Road, in the Execution of all and every the said strictions in the  
 ' Powers, Clauses, Provisions, and Regulations, which are or Highway Act.  
 ' shall be contained in the said Act or Acts of Parliament, for  
 ' the Amendment and Preservation of the Highways, and shall  
 ' and may execute and enforce the same upon and to the Benefit  
 ' and Improvement of such Turnpike Roads respectively, for  
 ' the several Purposes aforesaid, as fully and amply, but upon  
 ' such Terms, under such Restrictions, and in such Manner and  
 ' Form, to all Intents and Purposes, as the Surveyor or of any Pa-  
 ' rish, Township, or Place, can or may do, or apply the same,  
 ' by virtue of, or under such Act or Acts of Parliament.

LXXI. Provided nevertheless, and be it further enacted,  
 That when any Materials shall be dug or got by the Surveyor  
 of any Turnpike Road, in the several or inclosed Lands or  
 Grounds of any Person or Persons, for the Use of any Turn-  
 pike Road, by or under the Authority of this Act, or of the  
 said Act or Acts, for the Amendment and Preservation of the  
 Highways, Satisfaction shall be made by the Trustees of such  
 Turnpike Road to the Owner or Occupier of such Lands or  
 Grounds, for the Materials so to be dug or got, and also for  
 the Damages in carrying away the same, in such Manner as  
 Satisfaction is or shall be required to be made for the Damages  
 occasioned by the digging, getting, and carrying away the  
 Materials in several or inclosed Lands or Grounds, by virtue  
 of the said Act or Acts for the Amendment and Preservation of  
 the Highways.

LXXII. And be it further enacted, That the Forms of Forms contain-  
 Proceedings relative to the several Matters contained in this ed in the Sche-  
 Act, which are set forth and expressed in the Schedule here- dule to be used.  
 unto annexed, shall be used upon all Occasions, with such  
 Additions or Variations only as may be necessary to adapt them  
 to the particular Exigencies of the Case; and that no Objec-  
 tion shall be made, or Advantage taken, for want of Form in  
 any such Proceedings, by any Person or Persons whomso-  
 ever.

LXXIII. And, to enforce further a due Observance of Persons em-  
 this Act, be it enacted, That every Constable, Headborough, ployed with Sa-

No. 2.  
13 George III.  
c. 84.

Juries, refusing  
to execute the  
Act, &c. forfeit  
tol.

or Tithingman, refusing or neglecting to put this Act into Execution, or to account for and deliver any Forfeiture or Penalty, according to the Directions of this Act, and every Surveyor of any Turnpike Road, and every Toll-gatherer, and all other Persons employed, or to be employed, by Trustees appointed, or to be appointed, for the repairing Roads, as do or shall receive Salaries or Rewards, who shall wilfully neglect, for the Space of one Week after the Offence committed, to lay such Information upon Oath before one or more of his Majesty's Justices of the Peace for the Limit wherein such Offence was committed, as by this Act is directed, shall, upon due Information made upon Oath before one of his Majesty's Justices of the Peace for the said Limit, forfeit for every such Neglect the Sum of ten Pounds.

Inhabitants  
good Witnesses.

LXXIV. Provided always, and be it further enacted, That no Conviction shall be had or made by virtue of this Act, unless upon Confession of the Party accused, or upon the Oath of one or more credible Witness or Witnesses; and that any Inhabitant of any Parish, Township, or Place, in which any Offence shall be committed contrary to this Act, shall be deemed a competent Witness, notwithstanding his or her being an Inhabitant of such Parish, Township, or Place; and that any Justice of the Peace may act in the Execution of this Act, notwithstanding he may be a Creditor, or a Trustee for repairing and amending the Roads on which any Offence contrary to this Act shall be committed.

Persons resist-  
ing the Execu-  
tion, or assault-  
ing Collectors,

LXXV. And be it further enacted, That in case any Person or Persons shall resist, or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or any particular Act made for amending any particular Highway; or shall assault any Collector or Collectors of the Tolls in the Execution of his or their Office or Offices; or shall pass through any Turnpike-gate or Gates, Rail or Rails, Chain or Chains, or other Fence or Fences, set up, or to be set up, by Authority of Parliament, without paying the Toll appointed to be paid at such Gate or other Fence; or shall hinder, or attempt to prevent or obstruct any such Person or Persons in the measuring or gauging the Wheels of any Carriage, or make any Rescue of Cattle or other Goods, distrained by virtue of this Act; or if any Constable, Headborough, or Tithingman, shall refuse or neglect to execute any Warrant granted by any Justice or Justices of the Peace, pursuant to the Directions of this Act; every such Person offending therein, and being convicted thereof in Manner aforesaid, shall, for every such Offence, forfeit any Sum not exceeding ten Pounds, nor less than forty Shillings, at the Discretion of the Justice or Justices of the Peace before whom he or she shall be so convicted; to be paid to the Surveyor of the Turnpike Roads where the Offence was committed, and laid out in the Repairs thereof: And in case he or she do not forthwith pay or secure to be paid, the said Forfeiture, after such Conviction, then it shall and may be lawful for such Justice or Justices of the Peace to commit such

and Constables  
disobeying, for-  
feited, not exceed-  
ing tol. nor less  
than 40s.

Person or Persons to the Common Gaol, or House of Correction, of the County, Division, or Place, where such Offence shall be committed, there to remain for any Time not exceeding three Months, unless the said Forfeiture shall be sooner paid.

No. 2.  
George III.  
c. 84.

LXXVI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, for any Offence against the same, and all Costs and Charges to be allowed and ordered by the Authority of this Act (the Manner of levying and recovering of which is not hereby otherwise particularly directed), shall be levied by Distress and Sale of the Goods and Chattels of the Offender, or Person liable or ordered to pay the same respectively, by Warrant under the Hand and Seal of some Justice of the Peace for the Limit where such Offence, Neglect, or Default shall happen; and such Order for Payment of such Costs or Charges shall be made, rendering the Overplus of such Distress and Sale, if any, to the Party or Parties, after deducting the Charges of making the same; which Warrants such Justice is hereby empowered and required to grant, upon Conviction of the Offender, by Confession, ~~upon~~ upon the Oath of one or more credible Witness or Witnesses, or upon Order made, as aforesaid; and the Penalties and Forfeitures, Costs and Charges, when so levied, shall be paid, the one Half to the Informer, and the other Half to the Surveyor of the Turnpike Road where such Offence, Neglect, or Default shall happen, to be employed towards the Repair thereof, unless otherwise directed by this Act: And in case such Distress cannot be found, and such Penalties and Forfeitures, or the said Costs or Charges, shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorised and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders, or Person or Persons, liable to pay the same respectively, to the common Gaol, or House of Correction, of the Limit where the Offence shall be committed, or such Order, as aforesaid, shall be made, for any Time, not exceeding three Months, unless the said Penalty, Forfeiture, Costs, or Charges, shall respectively be sooner paid: And if such Offender or Offenders, or Person or Persons, liable or ordered to pay the same respectively, shall live out of the Jurisdiction of the Justice or Justices, hereby authorised to grant such Warrant, it shall and may be lawful for any Justice of the Peace of the Limit wherein such Person shall inhabit, and every such Justice is hereby required, upon Request to him for that Purpose made, and upon a true Copy of the Conviction whereby such Forfeiture or Penalty was incurred, or of the Order for the Payment of such Costs or Charges, produced and proved by a credible Witness upon Oath, by Warrant, under his Hand and Seal, to cause the Penalty or Forfeiture mentioned in such Conviction, or the Costs or Charges mentioned in such Order, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, or Person or Persons, liable or ordered to pay

Penalties and Forfeitures.



No. 2. the same respectively, as aforesaid; and if no sufficient Dis-  
 13 George III. tress can be had, to commit such Offender or Offenders, or  
 c. 84. Person or Persons, liable, as aforesaid, to the common Gaol,  
 or House of Correction, of such Limit, for the Time, and in  
 Manner aforesaid.

LXXXVII. Provided nevertheless, That no Warrant of  
 Distress, unless otherwise directed by this Act, shall be issued  
 for levying any Penalty or Forfeiture, Costs or Charges, until  
 six Days after the Offender shall have been convicted, and an  
 Order made and served upon him or her for Payment thereof.

LXXXVIII. Provided also, and be it enacted, That what-  
 ever Penalty or Forfeiture shall be levied or recovered on the  
 Information of the Surveyor of any Turnpike Road, or of any  
 Toll-gatherer, or other Person employed by the Trustees ap-  
 pointed for repairing the Roads, and receiving Salaries or Re-  
 wards for their Services, and not otherwise directed by this  
 Act, shall go and be applied to the amending of the said  
 Turnpike Roads respectively, and to no other Use or Purpose  
 whatever; any Thing in this or any other Act to the contrary  
 notwithstanding.

Prosecutors  
 may recover by  
 Information, or  
 by Action, &c.

LXXXIX. And be it enacted, That every Prosecutor or  
 Informer may, at his Election, sue for, and recover any For-  
 feiture or Penalty imposed by this or any other Act or Acts of  
 Parliament made for erecting Turnpikes, or for repairing and  
 amending Turnpike Roads, in the Manner hereafter men-  
 tioned; that is to say, If the same shall not amount to the Sum  
 of forty Shillings, it shall be recoverable only by Information  
 before a Justice of the Peace; and if the same shall amount to  
 forty Shillings, or upwards, it shall and may be recovered  
 either by Information, as aforesaid, or by Action of Debt, in  
 any of his Majesty's Courts of Record, in which it shall be  
 sufficient to declare that the Defendant is indebted to the Plai-  
 ntiff in the Sum of being forfeited by an Act, passed  
 in the thirteenth Year of the Reign of his present Majesty, in-  
 titled, *An Act to explain, amend, and reduce into one Act of  
 Parliament, the General Laws now in being, for regulating the  
 Turnpike Roads in that Part of Great Britain called England,  
 and for other Purposes*; and the Plaintiff, if he recover in any  
 such Action, shall have full Costs: Provided, that there shall  
 not be more than one Recovery for the same Offence; and  
 that ten Days Notice in Writing be given to the Party offend-  
 ing previous to the Commencement of such Action; and that  
 the same be brought and commenced within one Calendar  
 Month after the Offence for which such Action is brought shall  
 have been committed.

Party aggrieved  
 may recover  
 Satisfaction for  
 special Damages.

LXXX. And be it further enacted; That where any Dis-  
 tress shall be made for any Sum or Sums of Money, to be levied  
 by virtue of this Act, the Distress itself shall not be deemed  
 unlawful, nor the Party or Parties making the same be deemed  
 a Trespasser or Trespassers, on account of any Default or  
 Want of Form in any Proceedings relating thereto; nor shall  
 the Party or Parties distraining be deemed a Trespasser or

Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case.

No. 2.  
13 George III.  
c. 24.

LXXXI. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant in any such Action, by leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings, or Orders, and Judgements, shall be had, made, and given, in and by such Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Tender of  
Amends.

Money into  
Court.

LXXXII. Provided also, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done by any Justice or Justices of the Peace in pursuance of this Act, except under the particular Circumstances hereafter mentioned, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be held for the Limit wherein the Cause of such Complaint shall arise; such Appellant first giving, or causing to be given, to such Justice, by whose Act or Acts such Person shall think himself or herself aggrieved, Notice in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, within six Days after the Cause of such Complaint arose, and within four Days after such Notice, entering into Recognizance before some Justice of the Peace, with one sufficient Surety, conditioned to try such Appeal at, and abide the Order of, and pay such Costs, as shall be awarded by the Justices at such Quarter Sessions; and each and every Justice of the Peace, having received Notice of such Appeal, as aforesaid, shall return all Proceedings whatever had before them respectively, touching the Matter of such Appeal, to the said Justices at their General Quarter Sessions aforesaid, on Pain of forfeiting five Pounds for every such Neglect; and the said Justices, at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper, to be levied and recovered as hereinbefore directed; and the Determination of such Quarter Sessions shall be final and conclusive to all Intents and Purposes; and no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by

Appeal

No Certiorari

No. 2. *Certiorari*, or any other Writ or Process whatsoever, into any  
 13 George III. of his Majesty's Courts of Record at *Westminster*; any Law or  
 c 84 Statute to the contrary notwithstanding.

No Appeal,  
 unless the Party  
 give Notice  
 thereof, &c.

LXXXIII. Provided, That no such Appeal shall be made against any Conviction for any Penalty or Forfeiture incurred by virtue of this Act, unless the Person convicted shall, at the Time of such Conviction, if he shall be then present, if not, within six Days after, give, or cause to be given, Notice of his or her Intention to appeal, and at the same Time enter into Recognizance, or give Security, with sufficient Sureties, to pay such Penalty or Forfeiture, in case such Conviction shall be affirmed upon such Appeal; and upon his or her giving such Security, the further Proceedings for such Penalty or Forfeiture shall be suspended until such Appeal shall be heard and determined.

Power to ad-  
 minister Oaths.

LXXXIV. And be it enacted, That where any Oath is hereby required and directed to be made or taken, the Justices of the Peace of any Limit, or the Trustees of any Turnpike Road (as the Case may be) and according to the several Jurisdictions herein given to them respectively, as aforesaid, shall, and they are hereby respectively empowered to administer the same.

Action to be  
 brought within  
 three Months,  
 &c.

LXXXV. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done or acted in pursuance of this Act; (3.) then, and in every such Case, such Action or Suit shall be commenced or prosecuted within three Calendar Months after the Fact committed, and not afterwards; and the same and every such Action or Suit, shall be brought in the County where the Person against whom such Action or Suit shall be commenced doth ordinarily inhabit or reside, or where the Fact was committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County than as aforementioned, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any Cases by Law.

7 Geo. 3. re-  
 sealed.

LXXXVI. And be it further enacted, That from and after the twenty-fifth Day of September, one thousand seven

(3.) This Clause does not extend to the Functions imposed on the Keepers of Turnpike Gates, with respect to the Post Horse Duties. *Bazing v. Skelton*, 5 T. R. 18.

hundred and seventy-three, an Act, passed in the seventh Year of his present Majesty's Reign, intitled, "An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads of this Kingdom, and for other Purposes therein mentioned," (except so much thereof as repeals the several Acts therein mentioned), shall be, and the same is hereby repealed; and that this Act shall commence and take Effect on the twenty-ninth Day of *September*, one thousand seven hundred and seventy-three.

No. 2.

13 George III.  
c. 84.See 14 Geo. 3.  
c. 14 36. 57. 82.  
16 Geo 3. c.  
39. 44.

The SCHEDULE referred to, containing the Form of Proceedings.

No. I. Order of Trustees for erecting a Weighing Engine.

*At a Meeting of the Trustees of the Turnpike Roads, under an Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, for [State the principal Part of the Title of the Act] held at the*  
*Day of* 17

IN pursuance of the Powers given to us by an Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, for regulating the Turnpike Roads, we do hereby order, That an Engine, proper for the weighing of Carriages, of the Constructions and Weights specified in the said Act, be forthwith erected at, or as near as conveniently may be to the Toll-gate or Bar now erected upon the said Turnpike Road, at and that A. B. the (Treasurer), Clerk), or Surveyor), of the said Turnpike Road do contract with some proper Person (or with C. D.) (in case the Trustees shall think fit to name the Person), for the making and erecting such Engine, and do inspect and take care that the same is properly done: And we do order the Gate-keeper at the said Gate or Bar for the Time being to attend the said Weighing Engine, and carefully to weigh all Carriages passing, loaded upon the said Road, at the Place where such Engine shall be erected, together with the Loading thereof, and to take the several additional Tolls or Rates for Overweight, and give Tickets of the Weight of such Carriages and Loading, when required by the Driver thereof, according to the Directions of the said Act; and also to enter in a separate Book, to be kept by him for that Purpose, an Account of every Carriage so weighed, which shall, with the Loading, exceed the Weights allowed by the said Act, and account to us for the Money received for all such Overweight.

(To be signed by five at least of the Trustees.)

No. 2.  
13 George III  
c. 84.

No. II. Table of Weights allowed in Winter and Summer to Carriages directed to be weighed, including the Carriage and Loading, by the Act of the thirteenth George the

	Summer.	Winter
	To.	Ct.
<b>T</b> O every Waggon upon Rollers, of the Breadth of sixteen Inches . . . . .	8	
To every Waggon with nine Inch Wheels, rolling a Surface of sixteen Inches on each Side . . . . .	6	10 6 —
To every Waggon with nine Inch Wheels . . . . .	6	10
To every Cart with nine Inch Wheels . . . . .	3	15
To every Waggon with six Inch Wheels . . . . .	4	15
To every Waggon with six Inch Wheels, rolling a Surface of Eleven Inches . . . . .	5	
To every Cart with six Inch Wheels . . . . .	2	
To every Waggon with Wheels of less Breadth than six Inches . . . . .	3	3 2
To every Cart with Wheels of less Breadth than six Inches . . . . .	1	

No. III. Agreement between Trustees of different Turnpike Roads, for erecting one Weighing Engine for the Use of such Roads.

*At a Meeting of the Trustees of the Turnpike Roads, under an Act, passed in the Year of the Reign of King George the for [State the principal Part of the Title of the Act], and also of the Trustees of the Turnpike Roads, under an Act, passed in the Year of the Reign of King George the for (&c. as above), held at the Day of 17 for the Purpose of agreeing upon and ordering a Weighing Engine, at the joint Expence of the Trustees, for the Use of the said several Turnpike Roads, pursuant to the Powers given by an Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, for regulating the Turnpike Roads.*

**I**T appearing to us, that a Weighing Engine may be erected at (describing the Spot where it can be most conveniently placed), which will accommodate both the said Turnpike Roads, according to the true Intent and Meaning of the said Act; and do therefore order, &c. (as in the Form above mentioned), and we do hereby agree and order, That the Expences of making and erecting the said Weighing Engine, and the Sum of which we do hereby agree and order, shall be paid to the Toll-gatherer attending the said Toll-gate for the Time being, weekly, for his extraordinary Trouble in attending the said Weighing Engine, shall be advanced and paid by the Treasurers of the said several Turnpike Roads, in the Shares and Proportions following; *videlicet*, That the Treasurer of the Road shall pay (One Half), Two-thirds)

or *Three-fourths*,) Parts thereof, (as the Trustees shall agree), and the Treasurer of the Road shall pay the remaining (*One Half*), *One-third*), or (*One-fourth*,) Part thereof, and that the Money to be received at the said Weighing Engine, by Forfeitures for Overweight, shall be paid to the said respective Treasurers, in the like Proportions, and applied by them for the Use of the said respective Turnpike Roads.

No. 2.

13 George III.  
c. 84.

No. IV. Complaint to the Court of Quarter Sessions of a Turnpike Road being damaged by excessive Weights, and that there is no Weighing Engine upon it.

*To the Justices at the General Quarter Sessions of the Peace for the (County) Rutland Division of*

WE, whose Names are subscribed, being (*Creditors* or *Trustees*) under an Act, passed in the Year of the Reign of King George the for, &c. [*State the principal Part of the Title of the Act*], do hereby complain to the Justices at the said Court; that a Part of the said Turnpike Road, lying between and is much damaged by the Carriage of excessive Weights thereupon, and that the Trustees of the said Turnpike Road have hitherto neglected to erect, or order any Weighing Engine to be erected, upon the said Road, pursuant to the Powers given to them by the Act passed in the thirteenth Year of the Reign of King George the Third, for regulating the Turnpike Roads; and we apprehend, that if a Weighing Engine was to be erected upon the said Road, pursuant to the said Act, at or near the Toll-gate at (or known by the Name of the Gate), it would contribute greatly to the Preservation of the said Road.

Signed this Day of 17

(If a Justice of Peace makes the Complaint, the Form will be as under;)

Middlesex. I A. B. one of his Majesty's Justices of the Peace for the said County, do hereby complain, &c. (as above.)

No. V. Notice of a Meeting of Trustees, for ordering a Side-gate to be erected.

NOTICE is hereby given, That the Trustees of the Turnpike Roads, under an Act, passed in the Year of the Reign of King George the for [*State the material Parts of the Title of the Act*], will meet at the House of at on the Day of next, at the Hour of in the noon, in order to consult about erecting a Toll-gate on the Side of the said Turnpike Road, at or near a Place called across a certain Highway there, leading to

Dated the Day of 17

A. B. Clerk to the said Trustees.

Y y y

No. 2.  
13 George III.  
c. 84.

# No. VI. Order of the Trustees for erecting a Side-gate.

**A**T a Meeting of the Trustees of the Turnpike Roads, under an Act passed in the \_\_\_\_\_ Year of the Reign of King George the \_\_\_\_\_ for [Here state the material Parts of the Title of the Act], being assembled this \_\_\_\_\_ Day of \_\_\_\_\_ 17\_\_\_\_ to enforce the Directions of an Act, passed in the thirteenth Year of the Reign of King George the Third, for regulating the Turnpike Roads (as far as the same respects the erecting of Side-gates), in pursuance of publick Notice given in Writing upon all the Toll-gates erected on the said Road, and also in the \_\_\_\_\_ News-papers circulated in this Part of the Country, for twenty-one Days now last past; we do order, That a Toll-gate shall be erected on the Side of the said Turnpike Road, at or near a Place called \_\_\_\_\_ across a certain Highway there, leading to \_\_\_\_\_ and that the following Toll be taken at the said Gate; *videlicet*, [Here insert the particular Tolls to be taken at the said Side-gate.]

(This to be signed by nine Trustees, at least.)

# No. VII. Order of Trustees for permitting Carriages with six Inch Wheels to be drawn by Horses in Pairs.

**A**T a Meeting of the Trustees of the Turnpike Roads, under an Act, passed in the \_\_\_\_\_ Year of the Reign of King George the \_\_\_\_\_ for, &c. [State the material Part of the Title of the Act], held at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ one thousand seven hundred \_\_\_\_\_ it was requested by several Persons, that Liberty should be given to draw Carriages with Fellies of the Breadth of six Inches, by Horses in Pairs; and the State and Condition of the said Turnpike Road being taken into Consideration, and it appearing to us, that the said Request may be granted without Prejudice to the said Turnpike Roads, we do hereby authorise all Persons, who shall use Carriages with Fellies of the Breadth of six Inches upon the said Turnpike Road, to draw such Carriages with Horses in Pairs, if they shall think fit, from and after the \_\_\_\_\_ Day of \_\_\_\_\_ next, pursuant to the Power given to us by an Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, for regulating Turnpike Roads.

(This Meeting must consist of seven or more Trustees.)

# No. VIII. Notice for letting Tolls.

**N**OTICE is hereby given, That the Tolls arising at the \_\_\_\_\_ Toll-gate (or Toll-gates, if more than one), upon the Turnpike Road at \_\_\_\_\_ called or known by the Name of the \_\_\_\_\_ Gate, will be let by Auction, to the best Bidder, at the House of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ next, between the Hours of \_\_\_\_\_ and \_\_\_\_\_

in the Manner directed by the Act, passed in the thirteenth Year of the Reign of his Majesty King George the Third, for <sup>13</sup> *regulating the Turnpike Roads*; which Tolls produced the last Year the Sum of \_\_\_\_\_ above the Expences of collecting them, and will be put up at that Sum. Whoever happens to be the best Bidder, must, at the same Time, give Security, with sufficient Sureties, to the Satisfaction of the Trustees of the said Turnpike Road, for Payment of the Rent agreed for, at such Times as they shall direct.

*A. B. Clerk to the Trustees of the said Turnpike Road.*

#### No. IX. Order of Trustees for reducing the Tolls.

*At a Meeting of the Trustees of the Turnpike Roads, under an Act, passed in the \_\_\_\_\_ Year of the Reign of King George the \_\_\_\_\_ for, &c. [State the principal Part of the Title of the Act], held at \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ 17\_\_\_\_\_*

**W**HEREAS by the said Act there was no Power (or no effectual Power) given (as the Case may be) to the Trustees to lessen the Tolls authorised to be taken by the said Act; we, whose Names are subscribed, being seven or more of the Trustees acting under the said Act, being now assembled for reducing the Tolls authorised to be taken by and under the said Act, pursuant to publick Notice given for that Purpose in the News-papers circulated in this Part of the Country, and also affixed upon all the Turnpike-gates erected upon the said Turnpike Road for upwards of one Calendar Month now last past; and having the Consent of the several Persons intituled to five-sixth Parts of the Money now remaining due upon the Credit of the said Tolls this Day signified and proved to us, do hereby order, That the Tolls granted by the said Act shall, from and after the \_\_\_\_\_ Day of \_\_\_\_\_ one thousand seven hundred \_\_\_\_\_ be lessened and reduced in the following Manner: *[Here state the several Reductions proposed to be made,]*

#### No. X. Order of two Justices for determining what Repairs shall be done to new Roads by Persons who are discharged from the Repair of old Roads.

*Middlesex.* **W**E, two of his Majesty's Justices of the Peace for the said County, acting within the (Hundred) of \_\_\_\_\_ in the said County, having (at the Request of the Parties interested in Part of the Highway (or Turnpike Road) hereafter mentioned, who could not agree about the Repair thereof), viewed a certain Part of the Highway (or Turnpike Road) described in the Plan hereunto annexed, of the Length of \_\_\_\_\_ Yards, which hath been set out and appropriated for a new Highway (or Turnpike Road), between \_\_\_\_\_ and \_\_\_\_\_ in lieu of an old Highway or (Turnpike Road), which hath been ordered to be stopped up; and having also viewed the Ground where the

Y y 2

No. 2.  
George III.  
c. 84.



No. 2. said old Highway was situated, and having summoned the Surveyor of the said new Highway (or Turnpike Road), and also  
 11 George III. c. 84. *A. B. (who was liable by Tenure, &c.)* If the said old Road lay in a different Parish, and was to be repaired by the Inhabitants, leave out the Words in Italick, and insert (the Surveyor of the (Parish, &c.) of *where the said old Road lay, who were* liable) to the Repair of the said old Highway (or Turnpike Road), to appear before us this Day; and having heard what has been alledged touching the Repairs of the said Part of the said Highway (or Turnpike Road), and having fully considered the same, and all the Circumstances of the Case, we think it just and reasonable, and do hereby order and (adjudge), that the said *A. B. (or the Inhabitants of the said Parish, &c.)* shall, from Time to Time, repair, and keep in Repair, the Whole (or a Part of the said Highway) from to containing Yards in Length, at each End whereof we have caused a Post, or Stone, to be placed, to ascertain the Extent thereof.

Given under our Hands and Seals, this Day of 17

(If it be agreed, by the Consent of the Parties, to pay a Sum in gross, in lieu of such Repairs, after the Iford (adjudge) insert (By and with the Consent of the said *A. B.* signified by his subscribing his Name to this Order), (or by the Consent of the Inhabitants of the said (Parish, &c.) of signified in Writing, at a Vestry or other publick Meeting, a copy whereof is hereunder written), that the said *A. B. (or the Inhabitants, &c.)* is (or are) liable to repair Part of the said new Highway; and that if he (or they) shall, on or before the Day of next, pay to the Surveyors of the Highways of the said (Parish, &c.) of (if it is not Turnpike Road), and, if it be Turnpike Road (to the Treasurer of the said Turnpike Road), the Sum of he the said *A. B.* and his Heirs (or the said Inhabitants, and their Successors) shall be for ever acquitted and discharged from the Burden and Obligation to repair the said new Highway, or any Part thereof.

(If it be by the Consent of Parties agreed to pay an annual Sum in lieu of such Repairs, the Form will be easily varied, and adapted to that Case.)

I do consent and agree to the above Order.

*A. B.\**

No. XI. Agreement of Inhabitants, at a Vestry, or Publick Meeting, to pay a gross Sum, of annual Payment, to be discharged from the Repair of a particular Road.

WE, whose Names are subscribed, being a Majority of the Inhabitants of the (Parish, &c.) of assembled, this Day of at a Vestry, or Publick Meeting, held pursuant to Notice duly given, for the Purposes of consulting about an Agreement to be made con-

cerning the Repair of Part of a Highway (or Turnpike Road) within the said (Parish, &c.) of do consent and agree to pay the Sum of to be absolutely exonerated and discharged from all future Repairs of the said Highway (or Turnpike Road) (or if an annual Payment be agreed upon), to pay annually the Sum of

No. 2.  
13 George III.  
c. 84.

No. XII. Agreement between the Trustees of a Turnpike Road, and a Person liable by Tenure to repair some Part of it.

At a Meeting of the Trustees of the Turnpike Roads, under an Act, passed in Year of the Reign of King George the for [State the principal Part of the Title of the Act] held at the Day of 17

WHEREAS A. B. of is liable by Tenure, &c. (as the Case shall be) to the Repair of a certain Highway leading between and of the Length of Yards, or thereabouts, and the said Highway being now made Turnpike Road by virtue of the said Act, will occasion a greater Expence to make and keep the same in proper Repair than would have been necessary if no such Act had been obtained; and the said A. B. attending this Meeting in Person (or by C. D. his Attorney or Agent, authorised to treat in his Behalf) the said Trustees and the said A. B. &c., in pursuance of a Power given by an Act, passed in the thirteenth Year of the Reign of King George the Third, for regulating Turnpike Roads, have, in order to put and keep the said Road in proper Condition and Repair, come to the following Agreement; *videlicet*, That the said Trustees shall, on or before the Day of next, pay and allow the Sum of out of the Tolls arising upon the said Turnpike Roads, towards putting the said Road into proper Repair, to be laid out and expended by the Surveyor of the said Turnpike Road; and that the said A. B. shall advance and pay into the Hands of the Treasurer of the said Turnpike Road, on or before the Day of next, the Sum of to be also laid out and expended by the said Surveyor in the Repair of the said Road; and that from and after the twenty-ninth Day of September next, the said Turnpike Road shall be kept in Repair by the said Trustees out of the said Tolls, as aforesaid, so long as the said Turnpike Act shall continue, upon the said A. B. paying into the Hands of the Treasurer the Sum of upon the twenty-fifth day of March in every Year, which the said A. B. doth hereby, for himself, and his Heirs, agree to pay accordingly, so long as the said Road shall be so repaired by the said Trustees, as aforesaid.

No. 2. [Or if it be agreed that A. B. shall keep the Road in Repair,  
 18 George III. upon having an annual Allowance in Money or Statute-duty  
 c. 84. from the said Trustees, let the Agreement be varied, and  
 adapted to the Case.]

No. XIII. Order of Justices at a Special Session, for proportioning the Statute-duty, where there are two or more Turnpike Roads in the same Place.

Middlesex. At a Special Sessions held by Justices of the Peace for the said County, acting for the (Hundred) Riding) Division, &c.) of at within the said (Hundred, &c.) the Day of 17

IT appearing to us, that Part of the Highway lying in the (Parish, &c.) of was made Turnpike Road by an Act, passed in the Year of King George the called the Turnpike Road, and also that Part of another Highway, lying in the same (Parish, &c.) was made a Turnpike Road, by an Act passed in the Year of the Reign of King George the called Turnpike Road; and that, &c. [State the others in the same Manner, if there are more than two]; and that by the said several Acts, more than three Days Statute-duty are required to be performed by the Inhabitants of the said (Parish, &c.) upon all the said Turnpike Roads; and we having, pursuant to the Directions of this Act, passed in the thirteenth Year of the Reign of King George the Third, for regulating the Turnpike Roads, duly summoned the Surveyors of the said several Turnpike Roads, and also the Surveyor of the said (Parish, &c.) to appear before us this Day; and having had Regard to the Extent and Condition of the several Highways within the said (Parish, &c.) and to the Tolls and Revenues arising from the said Turnpike Roads, and having heard and considered the whole Case, we do order, that the Inhabitants of the said (Parish, &c.) shall perform (one) Day's Statute-duty upon the said Road called the Turnpike Road, (one) other Day's Statute-duty upon the said Road called the Turnpike Road, &c. under the Directions and Inspection of the Surveyors of those respective Turnpike Roads, and the Remainder of their Statute-duty upon the other Highways, within the said (Parish, &c.) under the Direction and Inspection of the Surveyor (or Surveyors) thereof.

A. B.  
 C. D.

[The Proportion of the Duty to be varied as the Circumstances of the Case shall require.]

No. XIV. Order of Justices at a Special Sessions, to take Part of the Statute-duty from Turnpike Roads, for the Benefit of other Highways in the said Parish, &c. No. 2.  
13 George III.  
c. 84

Middlesex. *At a Special Sessions, held by Justices of the Peace for the said County, acting in the (Hundred) of within the said County, at on the Day of*  
17

**W**HEREAS Application and Complaint upon Oath has been made unto us by *A. B.* Surveyor of the (*Parish, &c.*) of that the several Highways, not being Turnpike, within the said (*Parish, &c.*) are very extensive, and in bad Repair, and that a considerable Part of the Statute-duty arising within the said (*Parish, &c.*) hath been called forth, and required to be applied in the Repair of certain Turnpike Roads lying within the said (*Parish, &c.*) which are in good Condition, and have a considerable Revenue for their Support, arising from the Tolls collected thereupon; And we having duly summoned *C. D.* the Surveyor of the said Turnpike Road to appear before us, to shew Cause why the said Statute-duty called forth, and applied by him to the Repair of the said Turnpike Road, should not be withdrawn therefrom and applied to the Repair of the other Highways within the said (*Parish, &c.*); and upon hearing the said *C. D.* and receiving an Account of the Revenues and Debts of the said Turnpike Road, and of the State and Condition of the Repair of the said Turnpike Road and Highway respectively; and it appearing to us, upon full Consideration had thereupon, that Part of the Statute-duty hitherto employed by the said (*Parish, &c.*) for the Repair of the said Turnpike Road, may be conveniently dispensed without endangering the Securities for the Money advanced upon the Credit of the Tolls thereof; and that such Statute-duty is wanted for the Repairs of the other Highways within the said Parish; we, in pursuance of the Power given to us, by the Act passed in the thirteenth Year of the Reign of King George the Third, for regulating Turnpike Roads, do order, That from and after the twenty-ninth Day of September next, there shall be only (one) Day's Statute-duty performed by the Inhabitants of the said (*Parish, &c.*) upon the said Turnpike Road within the same, and that the Remainder of the Statute-duty shall be performed upon the other Highways within the said (*Parish, &c.*)

[If there are more Turnpike Roads than one, or the whole Statute-duty shall be thought fit to be taken away, this Form must be varied to fit those Cases: The Summons to the Surveyors will be very easily formed from this Order.]

No. 2  
13 George III  
c. 54.

No. XV. Licence by the Trustees for drawing with an increased Number of Horses up a steep Hill.

*At a Meeting of the Trustees of the Turnpike Roads, under an Act, passed in the Year of the Reign of King George the for [State the principal Part of the Title of the Act] held at the Day of 17*

**I**T appearing to us, upon the Oath of being a Person experienced in levelling, that the Rise of (Part of) a certain Hill, upon the said Turnpike Road, lying in the Parish of called or known by the Name of Hill, between the Post marked (Put on) and the Post marked (Take off) being Yards in Length, is above four Inches in a Yard, we do hereby allow to be drawn up the said Hill, between the Posts above mentioned, Waggon, having the Soles or Bottom of the Fellies of the Wheels of the Breadth of nine Inches, with Horses; and Carts having the like Wheels with Horses; and Waggon having Wheels of the Breadth of six Inches, with Horses; and Carts having the like Wheels with Horses; and Waggon having Wheels of less Breadth than six Inches, with Horses; and Carts having the like Wheels, with Horses.

*[This Form is calculated where any Part of the Hill between those Posts rises above four Inches in a Yard; but if the whole Rise between the Posts shall be upon an Average more than four Inches in a Yard, before the Word (above) insert (upon an Average), which will authorise the Justices to allow more Horses than mentioned in the Act].*

No. XVI. Certificate of the above Order to the Justices of Peace at their Quarter Sessions.

**I**A. B. Clerk to the Trustees, mentioned in the above Order, do hereby certify to the Justices of the Peace for the (County) Riding) Division) of at their General Quarter Sessions of the Peace, that the above is a true Copy of the Order made by the said Trustees, for the Purposes therein mentioned.

Dated this Day of 17

A. B.

No. XVII. Agreement by Subscription for advancing Money to make and repair a Turnpike Road or Highway.

**W**E whose Names are subscribed, do agree to advance and pay the several Sums wrote by us, opposite to our Names, unto to be laid out and expended in the making and repairing a certain Highway leading from to after an Act of Parliament shall be obtained for making

the same Turnpike Road, upon having the Tolls to be collected upon such Turnpike Road assigned and made over to us, as a Security for the respective Sums so to be advanced by us, together with Interest for the same, after the Rate of *per Centum per Annum*; which Sums we do hereby severally agree to pay by Instalments, in the following Manner; *videlicet*, one fourth Part thereof on the                      Day of                      next, one other fourth Part (&c. &c. &c.)

Dated this                      Day of                      17                     

No. 2.  
George III.  
c. 84.

No. XVIII. Warrant from a Justice of Peace to enter the Toll-gate House, and remove the Persons therein.

Middlesex. To the (Constable) Headborough) Tithingman)  
of                      in the said County.

**W**HEREAS Complaint hath been made unto me, *A. B.* Esquire, one of his Majesty's Justices of the Peace for the said County, upon the Oath of                      and other Evidence now produced to me, that *C. D.* who now inhabits the Turnpike or Toll-gate House at                      upon the Turnpike Road leading from                      to                      and was appointed to collect the Tolls there, hath been duly discharged by the Trustees of the said Turnpike Road from any further collecting or receiving the Tolls arising at the said Gate, and hath refused, and still doth refuse, to quit the Possession of the said House; and the said *C. D.* having been summoned to appear before me this Day, to shew Cause why he should not be removed from the said House, and having shewn no sufficient Cause for that Purpose, I do hereby authorise and require you, with such Assistance as shall be necessary, to enter into the said Toll-house or Turnpike-house, and the Buildings belonging thereto, in the Day-time, and to remove the said *C. D.* and all such Persons as shall be found therein, together with his and their Goods, out of such House and Buildings, and to put *E. F.* the Person lately appointed by the Trustees to collect such Tolls, into the Possession thereof, for which this shall be your sufficient Warrant.

Given under my Hand and Seal this                      Day of                      17                     

No. X                      Notice for Contracts to be made, for getting and carrying Materials.

**N**OTICE is hereby given, that *A. B.* Surveyor of the Turnpike Road, lying between                      and                      will, on the                      Day of                      next, at the Hour of                      noon, let the getting of                      (Tons) of Gravel, or                      (Tons) of Stone, to be got at a Pit at                      for the Use of the said Turnpike Road, and will also let the Carriage of the said Gravel (or Stone) from the said Pit to                      where the same is to be used and employed upon the said Turnpike Road; and all Persons desirous of entering into a Contract with the said Surveyor, either for getting or carry-

No. 2. ing the said Materials, are desired to attend at the Time and  
 13 George III. Place before mentioned.

c. 84.

Dated this

Day of

17

A. B.

### No. XX. Bond from the Surveyor.

**WE**, A. B. Surveyor of the Turnpike Roads, under an Act passed in the Year of the Reign of King George the for [State the principal Part of the Title of the Act] and C. D. of are bound to E. F. of in the Sum of Pounds, to be paid to the said E. F. his Executors, Administrators, or Assigns, for which Payment we hereby bind ourselves severally, and each of our Hens, Executors, and Administrators.

Dated the Day of 17

The Condition of this Bond is such, that if the said A. B. his Executors or Administrators, shall duly and faithfully account for, apply, and pay all and every the Sum and Sums of Money, which hath come, or shall come, to his Hands as Surveyor of the Turnpike Road aforesaid, according to the Direction and true Intent and Meaning of the said Act, and of the Statute, made in the thirteenth Year of the Reign of his Majesty King George the Third, for regulating the Turnpike Roads, then this Bond to be void, or else to remain in full Force.

[The Bond from the Treasurer will be in the same Form.]

### No. XXI. Summons for any Person or Persons to attend a Justice or Justices.

Middlesex. To A. B. of

**WHEREAS** Complaint and Information hath been made upon Oath before me, C. D. one of his Majesty's Justices of the Peace for the said (County, &c.) by E. F. of that &c. [Here state the Nature and Circumstances of the Case, as far as it shall be necessary to shew the Offence, and to bring it within the Authority of the Justice; and, in doing that, follow the Words of the Act as near as may be.] These are therefore to require you personally to appear before me (or the Justices to be assembled at their Special Sessions, to be holden) at in the said (County, &c.) on the

Day of next, at the Hour of in the

noon, to answer to the said Complaint and Information made by the said E. F. who is likewise directed to be then and there present, to make good the same: Herein fail not.

Given under my Hand and Seal, this

Day of

17

### No. XXII. Information.

Middlesex.

**B**E it remembered, That on the Day of

17

A. B.

of                                in the said County, informeth, and No. 2.  
maketh Oath before me                                one of his Majesty's 13 George III.  
Justices of the Peace for the said County, that                                c. 84.

of                                in the said County [*Here describe the Offence particularly, and follow the Words of the Act as near as may be*],  
contrary to the Statute, made in the thirteenth Year of the  
Reign of King George the Third, for regulating the Turnpike  
Roads, which hath imposed a Forfeiture of  
for the said Offence.

Taken and sworn the \_\_\_\_\_ Day of \_\_\_\_\_  
before me \_\_\_\_\_ A. B.

### No. XXIII. Form of Conviction.

*Middlesex.* **B**E remembered, That on the  
Day of \_\_\_\_\_ in the Year of our  
Lord 17 \_\_\_\_\_ at \_\_\_\_\_ in the County aforesaid,  
*A. B.* came before me *C. D.* Esquire, one of his Majesty's  
Justices of the Peace for the said County, and informed me,  
that *E. F.* of \_\_\_\_\_ on the \_\_\_\_\_ Day of  
now last past, at \_\_\_\_\_ in the said County, did [*Here  
set forth the Fact, in the Manner described by the Statute*] where-  
upon the said *E. F.* after being duly summoned to answer the  
said Charge, appeared before me \_\_\_\_\_ on the  
Day of \_\_\_\_\_ at \_\_\_\_\_  
in the said County; and having heard the Charge contained  
in the said Information, declared, that he was not guilty of  
the said Offence; but the same being fully proved, upon the  
Oath of *G. H.* a credible Witness, it manifestly appears to me  
the said Justice, that he the said *E. F.* is guilty of the Offence  
charged upon him in the said Information; it is therefore con-  
sidered and adjudged by me, the said Justice, that he the  
said *E. F.* be convicted, and I do hereby convict him of the  
Offence aforesaid; and I do hereby declare and adjudge that he,  
the said *E. F.* hath forfeited the Sum of \_\_\_\_\_  
of lawful Money of Great Britain for the Offence aforesaid, to  
be distributed as the Law directs, according to the Form of  
the Statute in that Case made and provided.

Given under my Hand and Seal, the      Day of      17

After the Words "being duly summoned to answer the said Charge," insert (did not appear before me, pursuant to the said Summons;) or, (did neglect and refuse to make any Defence against the said Charge; but the same being fully proved, &c.) as before. This to be inserted where the Party refuses to appear upon the Summons.

After the Words "contained in the said Information," This to be  
insert (acknowledged, and voluntarily confessed the same to inserted when  
be true, and it manifestly appears to me, the said Justice, &c.) the Party ac-  
as above. cused confesses  
the Charge.



No. 2  
13 George III.  
c. 84.

No. XXIV. Warrant to distrain for the Forfeiture.  
Middlesex. To the (Constable) Headborough) or, Tithing-  
man) of

**W**HEREAS *A. B.* of in the said County, is this  
Day convicted before me, *C. D.* Esquire, one of his  
Majesty's Justices of the Peace in and for the said County,  
upon the Oath of *G. H.* a credible Witness, for that the said  
*A. B.* hath [*Here set forth the Offence, describing it particularly  
in the Words of the Statute, as near as may be*] (contrary to the  
Statute in that Case made and provided), by reason whereof  
the said *A. B.* hath forfeited the Sum of to be dis-  
tributed as herein is mentioned, which he hath refused to pay :  
These are therefore in his Majesty's Name to command you  
to levy the said Sum of by Distress of the Goods  
and Chattels of him the said *A. B.* and if within the Space of  
four Days next after such Distress by you taken, the said Sum,  
together with the reasonable Charges of taking and keeping  
the same, shall not be paid, that then you do sell the said  
Goods and Chattels, so by you distrained, and out of the Money  
arising by such Sale, that you do pay one Half of the said Sum  
of to *E. F.* of who informed me  
of the said Offence, and the other Half of the said Sum of  
to *J. K.* the Surveyor of the Turnpike  
Road (*describing it*), where the said Offence (*Neglect or De-  
fault*) happened, to be employed towards the Repair of the said  
Road, returning the Overplus on Demand to him the said *A. B.*  
(the reasonable Charges of taking, keeping and selling the  
said Distress being first deducted); and if sufficient Distress  
cannot be found, of the Goods and Chattels of the said *A. B.*  
whereon to levy the said Sum of that then you  
certify the same to me, together with this Warrant.

This to be  
varied accord-  
ing to the Direc-  
tion of the Act  
in each particu-  
lar Case.

Given under my Hand and Seal, the

17

Day of  
*C. D.*

No. XXV. Return of the Constable to be made upon  
the Warrant of Distress, where there are no Effects.

**I** *A. B.* Constable of the (*Parish, &c.*) of  
in the County of do hereby certify and  
make Oath, That, by virtue of this Warrant, I have made  
diligent Search for the Goods of the within named  
and that I can find no sufficient Goods whereon to levy  
the within Sum of as witness my Hand the

Day of

17

Sworn before me, the Day and }

Year, &c.

*C. D.* }

*A. B.*

No. XXVI. Commitment for want of Distress.

No. 2.  
13 George III.  
c. 84.

Middlesex. To the (Constable) of in the said County,  
and to the Keeper of the Common Gaol (or the House of  
Correction) at in the said County.

WHEREAS *A. B.* of in the said County, was,  
on the Day of convicted before me  
*C. D.* Esquire, one of his Majesty's Justices of the Peace in and  
for the said County, upon the Oath of *E. F.* a credible Wit-  
ness, for that he the said *A. B.* [*Here set forth the Offence*] con-  
trary to the Statute, made in the thirteenth Year of the Reign of  
his Majesty King George the Third, for regulating the Turnpike  
Roads, by reason whereof the said *A. B.* hath forfeited the  
Sum of And whereas on the Day of  
in the Year aforesaid, I did issue my Warrant to the (Constable)  
of to levy the said Sum of by Distress and  
Sale of the Goods and Chattels of him the said *A. B.* and to  
distribute the same according to the Directions of the said Sta-  
tute: And whereas it duly appears to me, upon the Oath of  
the said (Constable), that the said (Constable) hath used his best  
Endeavours to levy the said Sum on the Goods and Chattels of  
the said *A. B.* as aforesaid, but that no sufficient Distress can  
be had whereon to levy the same; these are therefore to com-  
mand you the said (Constable) of aforesaid, to appre-  
hend the said *A. B.* and him safely to convey to the Common  
Gaol (or House of Correction), at in the said County,  
and there deliver him to the Keeper thereof, together with this  
Precept; and I do hereby also command you, the said Keep-  
er, to receive and keep in your Custody the said *A. B.* for the  
Space of three Months, unless the said Sum shall be sooner  
paid, pursuant to the said Conviction and Warrant; and for  
so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, the Day of  
in the Year of our Lord 17

C.

No. XXVII. Notice of Appeal to the Quarter Sessions.

*A. B.* take Notice, That I intend to appeal to the next  
General Quarter Sessions of the Peace, to be holden  
for the (County, &c.) of against an (Order, Conviction,  
or other Proceeding, (as the Case may be), [*Particularly speci-*  
*fying the Purport of such (Order, &c.) and assigning the Griev-*  
*ance and Cause of Complaint*].

Dated the Day of 17

## No. 3.

14 George III. c. 14.—An Act to repeal a Clause in an Act, made in the thirteenth Year of his present Majesty's Reign, intituled, "An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purposes;" which regulates the Width of the Wheels, and the Length of Carriages liable to be weighed; and for indemnifying Persons who have offended against the said Clause.

No. 3.  
14 George III.  
c. 14.

Clause in 13  
Geo. 3. c. 84.

WHEREAS by a Clause in an Act of Parliament, made in the thirteenth Year of his present Majesty's Reign, intituled, "An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purposes;" it is enacted, That no Carriage liable to be weighed by virtue of the said Act, shall pass along any Turnpike Road, being above twenty Miles from the Cities of *London* or *Westminster*, unless the same shall be made and constructed in such Manner that no Pair of the Wheels thereof shall be wider than four Feet six Inches from Inside to Inside, to be measured on the Ground (except Wheels having the Soles of the Felloes thereof of the Breadth of nine Inches, which shall be so constructed as to roll a Surface of sixteen Inches, and that the wider Pair of such Wheels shall not be more than five Feet eight Inches from Inside to Inside, to be measured on the Ground); and that the Distance from the Centre of the fore Wheel to the Centre of the hind Wheel of any Waggon or four-wheeled Carriage, not being used for the Carriage of Timber only, be not above nine Feet, to be measured from the Centre of the Axle-trees at the Ends thereof, on Pain of the Owner or Owners of every such Waggon, Wain, or Cart, forfeiting the Sum of five Pounds for every such Offence; and that the Surveyor or Surveyors, Gate-keeper or Gate-keepers, of any Turnpike Road, is and are hereby authorised and required, at any Turnpike or Tollgate, or at any other Place upon the Turnpike Road, to measure every such Waggon, Wain, or Cart; and if any Master, or Driver of any Waggon, Wain, or Cart, shall hinder, or refuse to permit such Surveyor or Surveyors, Gate-keeper or Gate-keepers, to measure such Waggon, Wain, or Cart, as aforesaid, he or she shall forfeit the Sum of five Pounds; and that it shall not be lawful for any such Waggon, Wain, or Cart, not permitted to be measured as aforesaid, to pass along any Turnpike Road: And whereas the Provisions in the said Clause contained have been found very inconvenient; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this

present Parliament assembled, and by the Authority of the same, That the said Clause shall be, and is hereby declared to be repealed. No. 3.  
14 George III.  
c. 14.

II And be it further enacted by the Authority aforesaid, That all and every Person and Persons who hath or have offended, or been guilty of any Omission, touching the Execution of the said Clause, shall be, and is and are hereby indemnified against any Penalty or Forfeiture for the same; and that all personal Actions and Suits, Indictments, Informations, Prosecutions, and Proceedings whatsoever, which have been, or shall be, prosecuted or commenced against any Person or Persons, for or by reason of any such Offence or Omission, shall be, and are hereby made void, to all Intents and Purposes whatsoever.

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No. 4.

14 George III. c. 36.—An Act to explain and amend an Act, made in the thirteenth Year of his present Majesty's Reign, intituled, "An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purposes;" so far as the same relates to the continuing and granting an additional Term of five Years to Acts made for amending Turnpike Roads.

No. 1.  
14 George III.  
c. 36.

22 George 2.  
WHEREAS by an Act made in the twenty-eighth Year of the Reign of his Majesty King *George* the Second (intituled, "An Act to amend an Act, made in the twenty-sixth Year of the Reign of his present Majesty, intituled, 'An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto'") it was, amongst other Things, enacted, for the Encouragement of Broad Wheels, that all Carriages having the Fellies of the Wheels of the Breadth of nine Inches, should pass through all Turnpike-gates without paying any Toll, for three Years: And whereas, in order to make Recompence to the Creditors upon the Tolls of such Gates, for any Diminution of Toll that might arise by such Exemption, it was further enacted, That every Act of Parliament, made in that Session, or theretofore, for repairing and amending Turnpike Roads, should be continued for five Years, to be computed from the Expiration of every such Act, subject to the Tolls, Duties, Penalties, Forfeitures, Remedies, Powers, Authorities, Clauses, Rules, Directions, Payments, and Provisions, by such Acts respectively made and enacted: And whereas by one other Act, made in the seventh Year of the Reign of his present

No. 4.  
14 George III  
c. 36.

Provisions of  
Act 8 Geo. 2.  
for repairing  
Turnpike  
Roads for five  
Years continu-  
ed.

‘ Majesty (intituled, “ An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Road of this Kingdom, and for other Purposes therein mentioned),” the said Act of the twenty-eighth Year of his late Majesty, except so much thereof as continued the Acts then made for repairing and amending Turnpike Roads subject to the Tolls and Duties by such Acts respectively granted, was repealed : And whereas by one other Act, made in the thirteenth Year of the Reign of his present Majesty (intituled, “ An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England ;” and for other Purposes,) the said Act of the seventh Year of his present Majesty, except so much thereof as repealed the several Acts therein mentioned, was also repealed : And whereas Doubts have arisen, whether the said last-mentioned Act, made in the thirteenth Year of his present Majesty, by repealing the said Act of the seventh Year of his present Majesty, in the Manner aforesaid, hath not virtually repealed that Part of the Act of the twenty-eighth Year of his late Majesty, which continued the said Turnpike Acts for five Years ; in order therefore to obviate all such Doubts, and to enforce the said Provision for continuing the said Turnpike Acts, as contained in the said Act of the twenty-eighth Year of his late Majesty’s Reign ;’ be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provision made by the said Act of the twenty-eighth Year of the Reign of his late Majesty, for continuing the several Acts, made for repairing and amending Turnpike Roads for five Years, shall be and continue in full Force, and be as effectual, to all Intents and Purposes, as the same could, might, or ought to have been, if the said Acts of the seventh and thirteenth Years of his present Majesty’s Reign, or either of them, had not been made ; any Thing in those Acts, or in either of them, contained to the contrary notwithstanding.

II. And be it further enacted, That all and every Person and Persons, who hath or have received, or shall hereafter receive, any Tolls, or other Duties, at any Turnpike or Toll-gate ; or who hath acted, or shall hereafter act, in any other respect under the Authority of, and in Execution of any of the Powers of any Act or Acts of Parliament so continued, or intended to be continued, by the said recited Act of the twenty-eighth Year of his late Majesty, shall be, and is and are hereby indemnified for what he, she, or they have so received or done, or for what he or they shall receive, or do by virtue thereof.

## No. 5.

- 14 George III. c. 82.—An Act for explaining and altering an Act, made in the thirteenth Year of his present Majesty's Reign, intituled, "An Act to explain and amend, and reduce into one Act of Parliament, the general Laws now in being for regulating of Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purposes;" so far as the same relates to the Payment of additional Tolls at Weighing Engines, and the Number of Horses to be used in Carriages drawn on Turnpike Roads; and for allowing certain Exemptions with respect to Weight and Payment of Toll in particular Cases.

[See 13 Geo. III. c. 84, ante No. 2. Sect. 26.]

## No. 6.

- 16 George III. c. 39.—An Act for repealing a Clause in an Act, made in the thirteenth Year of the Reign of his present Majesty, intituled, "An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purposes;" which relates to the countersinking of the Tire of the Wheels of all Waggons, Wains, and other Carriages, to be used on Turnpike Roads; and for explaining a Provision in the said Act, with respect to the Fellies and Tire of Carriages having the Fellies of the Wheels of the Gauge of six Inches or upwards.

WHEREAS by a Clause in an Act of Parliament made in the thirteenth Year of his present Majesty's Reign, (intituled, "An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purposes)," it is enacted, That the Tire of the Wheels of all Waggons, Wains, Carts, and other Carriages, to be used on any Turnpike Road, shall be countersunk, by placing the same upon the Fellies in such Manner that the Nails shall not rise above the Surface, and that the Sole or Surface of the Wheels shall be quite flat; and that the Owner of every Carriage offending therein shall forfeit the Sum of forty Shillings; and every Driver, not being the Owner, the Sum of twenty Shillings, for every Offence; which Provisions are attended with great Inconvenience;

No. 6.

16 George III.  
c. 39.

13 Geo. 3. c.  
84. s. 69.

No. 6. he it therefore enacted by the King's most Excellent Majesty,  
 16 George III hy and with the Advice and Consent of the Lords Spiritual and  
 c. 39 Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Clause  
 repealed. shall be, and the same is hereby repealed.

A Provision  
 in the said Act,  
 respecting the  
 Fellyes and Tire  
 of Carriages,  
 &c. explained.

' II. And whereas by the said Act it is provided, That no  
 ' Person or Persons shall be allowed to take the Benefit of cer-  
 ' tain Exceptions in the said Act mentioned, or have the Power  
 ' of compounding for Tolls, in respect of Carriages having the  
 ' Fellyes of the Wheels thereof of the Breadth or Guage of six  
 ' Inches, or upwards, unless the Fellyes, and the Tire upon  
 ' such Fellyes, shall lie flat: And whereas Doubts may arise  
 ' concerning the Construction of the said Provision, which,  
 ' according to the strict Sense of the Words, cannot be com-  
 ' plied with: To the End therefore that all Persons who shall  
 ' endeavour to comply with the said Provisions may receive  
 ' the Benefit of such Exemptions and Compositions; be it fur-  
 ' ther enacted by the Authority aforesaid, That all Wheels of the  
 ' Breadth or Guage of six Inches, or upwards, the Fellyes or  
 ' Tire whereof shall not deviate more than one Inch from a flat  
 ' Surface, shall be deemed and taken to be flat, according to the  
 ' true Intent and Meaning of the said Act.

#### No. 7.

17 George III. c. 16. — An Act for limiting the Exemp-  
 tions from Toll (granted by any Act or Acts of Parli-  
 ament for repairing Turnpike Roads) on Account  
 of Cattle going to and from Water or Pasture."

No. 7.  
 17 George III.  
 c. 16.

' **W**HEREAS an Exemption from Toll has, by several  
 ' Acts for repairing Turnpike Roads, been granted  
 ' for Cattle going to and from Water and Pasture: And  
 ' whereas many Disputes have arisen how far that Exemption  
 ' extended; and it is not reasonable that Cattle going to and  
 ' from Water or Pasture should be exempted from Toll, when  
 ' they travel upon, and make use of any Turnpike Road for  
 ' any considerable Length; may it therefore please your  
 ' Majesty that it may be enacted; and be it enacted by the  
 ' King's most Excellent Majesty, by and with the Advice and  
 ' Consent of the Lords Spiritual and Temporal, and Commons,  
 ' in this present Parliament assembled, and by the Authority of  
 ' the same, That in all Cases where any Exemption from Toll  
 ' for Cattle going to and from Water or Pasture, is or shall be  
 ' given by any Act or Acts made, or to be made, for repairing  
 ' any Turnpike Road, such Exemption shall only extend to such  
 ' Cattle as shall be driven to and from Water or Pasture from one  
 ' Parish to the next adjoining Parish, or to such Cattle as shall  
 ' not pass upon any such Turnpike Road, more than for the  
 ' Space of two Miles, in going to or returning from Water or  
 ' Pasture.

II. Provided always, and be it enacted, That nothing in this Act contained shall exempt from the Payment of Toll, any Cattle going to and from Water or Pasture, for which any Person shall be liable to pay Toll, by any Act made, or to be made, for repairing any Turnpike Road.

No. 7.

17 George III.

c. 16

Act not to  
exempt Cattle  
otherwise liable

## No. 8.

18 George III. c. 28. — An Act for repealing so much of an Act, made in the thirteenth Year of his present Majesty's Reign, intituled, "An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purposes;" as is to subject Carriages, having the Fellies of the Wheels thereof of less Breadth or Guage than six Inches to the Payment of double Tolls; and for vacating Contracts for leasing Tolls.

‘ **W**HEREAS by an Act, made in the thirteenth Year of his present Majesty's Reign, intituled, “An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purposes; it was enacted, That, from and after the twenty-ninth Day of *September* one thousand seven hundred and seventy-six, a double Toll should be paid for the Passage through Turnpike Gates of all Carriages having the Fellies of the Wheels thereof of less Breadth or Guage than six Inches from Side to Side; and for the Horses, or Beasts of Draught, drawing the same: And whereas, by an Act passed in the sixteenth Year of the Reign of his present Majesty, the said double Toll was suspended until the twenty-ninth Day of *September* one thousand seven hundred and seventy-eight: And whereas great Inconveniencies will arise if the said Provision be suffered to take place: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act, made in the thirteenth Year of his present Majesty's Reign, as enacted, That the Trustees appointed by virtue, or under the Authority, of any Act of Parliament made for repairing or amending Turnpike Roads, or such Person or Persons as they should authorise, should and might, and were thereby required to demand and take, for every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of less Breadth or Guage than six Inches from Side to Side, at the least, at the Bottom or Sole thereof,

No. 8.

18 George III.

c. 28.

13 Geo. 3 c. 84.



No. 8. and for the Horses, or Beasts of Draught, drawing the same,  
 18 George III. from and after the twenty-ninth Day of *September* one thousand  
 c. 28, seven hundred and seventy-six, double the Tolls or Duties  
 which were or should be payable for the same respectively by  
 any Act or Acts of Parliament made for amending or repairing  
 Turnpike Roads, before any such Waggon, Wain, Cart,  
 or Carriage respectively, shall be permitted to pass through  
 any Turnpike Gate or Gates, Bar or Bars, where Toll should  
 be payable by virtue of any such Acts; and which, by an Act  
 made in the sixteenth Year of the Reign of his present Majesty,  
 was suspended until the twenty-ninth Day of *September* one  
 thousand seven hundred and seventy-eight; shall be, and the  
 same is hereby declared to be repealed.

II. Provided always, and be it further enacted by the  
 Authority aforesaid, That it shall and may be lawful for such  
 Trustees, and they are hereby required, to release all Lessees  
 of Tolls, within their respective Jurisdictions, from their  
 respective Contracts at *Michaelmas* next; provided forty  
 Days Notice shall have been given in Writing, by any such  
 Lessee or Lessees, to the Treasurer or Clerk of any such  
 Trustees respectively.

### No. 9.

18 George III. c. 63. — An Act for enabling Trustees  
 under particular Turnpike Acts, to meet and carry  
 such Acts into Execution, notwithstanding they may  
 not have met or adjourned agreeable to the Direc-  
 tions of such Acts; and for preventing Disputes  
 touching the Payment of Tolls for Horses or Car-  
 riages belonging to or employed by Officers or Sol-  
 diers on Duty.

No. 9.  
 18 George III.  
 c. 63.

WHEREAS it has happened, and may hereafter happen,  
 that the Trustees appointed, or to be appointed, by  
 any Act of Parliament, for amending or repairing particular Turn-  
 pike Roads, have omitted, or may omit, to meet or adjourn  
 in the Manner directed by such Acts respectively, or that the  
 Day or Days appointed for the first Meeting of the Trustees,  
 has or have elapsed; or may elapse, before the passing of  
 such Acts respectively, whereby the Intent of such respective  
 Acts hath been or may be frustrated; for Remedy whereof,  
 be it enacted by the King's most Excellent Majesty, by and  
 with the Advice and Consent of the Lords Spiritual and Tem-  
 poral, and Commons, in this present Parliament assembled,  
 and by the Authority of the same, That in all Cases where the  
 Trustees, appointed, or to be appointed, by any Act or Acts of  
 Parliament, made or to be made, for amending or repairing  
 any particular Turnpike Roads, shall not have met, or shall  
 not meet, on the Day or Days appointed, or to be appointed,  
 for their first Meeting, by any such Act or Acts respectively,

In case the  
 Trustees under  
 any Act for re-  
 pairing Turn-  
 pike Roads shall  
 neglect to meet  
 on the Day ap-  
 pointed, &c.

or on any Day or Days appointed, or to be appointed, by Adjournment, for their Meeting, or have not adjourned, or shall not adjourn, in the Manner directed by any such Act or Acts of Parliament, or when the Day appointed, or to be appointed, for the first Meeting of the Trustees, has elapsed, or may elapse, before the passing of such Act or Acts; it shall and may be lawful for any five or more of the Trustees appointed to execute such Act or Acts respectively, in any or either of the Cases aforesaid, to cause Notice, under their Hands, to be affixed on all the Turnpike Gates which shall be then erected on such Roads respectively; or, if no Turnpike Gate shall be then erected, to cause the like Notice to be affixed in some conspicuous Place, in one of the Market-towns near the Roads directed to be repaired as aforesaid, and also to be published in some News-paper circulated in that Part of the Country, at least twenty Days before the intended Meeting, appointing the Trustees to meet at the Place where the last preceding Meeting was appointed to have been held, or at the Place directed for the first Meeting of such Trustees, if no preceding Meeting shall have been held; and the said Trustees, when met in pursuance of such Notice, shall and may, and they are hereby empowered to carry such Act or Acts into Execution, in the same and as full and ample a Manner, to all Intents and Purposes, as they might or could have done, if no such Neglect or Omission had happened, or such Act or Acts had been passed previous to the Day or Days appointed for the first Meeting of the Trustees respectively, and such Trustees had met on such Day or Days according to such Appointment.

II. And whereas Disputes have arisen with respect to the Exemptions meant to be allowed, by several Acts of Parliament for repairing of publick Roads within this Kingdom, for the Horses of Officers and Soldiers upon their March or Duty, and for Carriages attending them: In order to prevent such Disputes for the future, be it enacted and declared by the Authority aforesaid, That no Toll or Duty whatsoever shall be demanded or taken, by virtue of any Act of Parliament already made, or hereafter to be made, for repairing any of the publick Roads within this Kingdom, for or in respect of any Horses belonging to Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded or disabled Officers or Soldiers; and no Carriages so employed shall be subject to be weighed at any Engine erected, or to be erected, upon any Turnpike Road, or the Owner or Driver thereof liable to any Penalty or Forfeiture for carrying any greater Weight than is or may be allowed by Law to be conveyed in any such Carriage; any Act of Parliament made or to be made to the contrary hereof notwithstanding.

No. 9.  
18 George III.  
c. 63.

any five Trustees may appoint a Meeting.

Carriages and Cattle employed in carrying the Arms or Baggage of Officers or Soldiers on their March, &c. exempted from Tolls, &c.

## No. 10.

21 George III. c. 20.—An Act for declaring certain Provisions of an Act, made in the thirteenth Year of his present Majesty, relating to the Turnpike Roads in that Part of *Great Britain* called *England*, to extend to all Acts made, and to be made, for repairing Roads subsequent to the passing of the said Act.

No. 10.  
21 George III.  
c. 20.  
13 Geo. 3 c.  
84.

WHEREAS Doubts have arisen whether the Provisions contained in an Act of Parliament made in the thirteenth Year of the Reign of his present Majesty (intituled, “An Act to explain, amend, and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purposes),” were meant and intended to extend to such Acts of Parliament as shall be made for repairing particular Turnpike Roads subsequent to the passing of the said recited Act: For obviating such Doubts for the future, be it declared and enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Directions, Matters, and Things, contained in the said recited Act of the thirteenth Year of the Reign of his present Majesty, which have not been varied, altered, or repealed, by any subsequent Acts of Parliament (except so much thereof as gives an additional Term of five Years to Acts for repairing particular Turnpike Roads), were and are meant and intended, and shall be deemed, construed, and taken, to extend to all Acts of Parliament which have been made since the Time of the passing of the said recited Act, and which shall hereafter be made, for amending and repairing any particular Turnpike Roads within that Part of *Great Britain* called *England*.

## No. 11.

25 George III. c. 57.—An Act to exempt Carriages, carrying the Mail, from paying Tolls at any Turnpike Gate in *Great Britain*.

No. 11.  
25 George III.  
c. 57.

WHEREAS by several Acts of Parliament, made for repairing particular Roads in this Kingdom, Carriages, Horses, and other Cattle, employed in the Conveyance of the Mail or Packet, are exempt from the Payment of the Tolls directed to be levied by such Acts: And whereas, by several other Acts of Parliament, Horses only that are employed in carrying the Mail or Packet are exempt from the Payment of the said Tolls: And whereas it may be of Advan-

Mail, or Packet, should be conveyed to different Parts of the Kingdom by Carriages or Public Diligences, which renders it expedient that all Carriages, as well as Horses and other Cattle, conveying the Mail or Packet from one Part of this Kingdom to another, should be exempt from the Payment of Tolls at all and every Turnpike, Toll-gate, or Bar, erected or set up by Authority of Parliament; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the fifteenth Day of *July*, one thousand seven hundred and eighty five, all Carriages, of what Description soever, or Horses which shall be employed in conveying from one Part of this Kingdom to another the Mail or Packet, which shall be made up under the Authority or Direction of his Majesty's Postmaster General, or his Deputy or Deputies, shall be, and the same are hereby exempted, freed, and discharged from the Payment of any Tolls whatsoever that shall or may be demanded for the Passage of Carriages or Horses, through any Turnpike, Toll-gate, or Bar, at which any Toll is collected by any Act or Acts of Parliament now in Force; and all Turnpike Keepers or Toll Collectors are hereby directed and required to permit such Carriages and Horses to pass through all and every Turnpike, Toll-gate, or Bar, without demanding any Toll or Duty for so doing; any Thing in any Act or Acts of Parliament contained to the contrary notwithstanding.

No. 11.

25 George III  
c. 37.

## No. 12.

George III. c. 82.—An Act to indemnify such Persons as have omitted to qualify themselves for Offices  
\* \* \* \* \* and for  
indemnifying Persons who have acted as Trustees of Turnpike Roads, in certain Cases, and declaring their Proceedings valid.

## No. 13.

34 George III. c. 64. — An Act for the more effectually repairing of such Parts of the Highways of this Kingdom as are to be repaired by two Parishes. — [23d May 1794.]

WHEREAS the Common Highways in this Kingdom are to be maintained and kept in Repair (except in certain Cases) by the Inhabitants of the several Parishes in which such Common Highways are situated; but it frequently happens that the Boundaries of such Parishes pass through the

No. 13.

34 George III.  
c. 64.

No. 13. 34 George III. c. 64. 'Middle of such Common Highways, and one Side of such Highways is situated in one Parish, and the other Side of such Highways is situated in another Parish, whereby great Inconveniences have often arisen to such Parishes, in settling the Time and Manner of repairing and amending the same, and great Detriment has arisen thereby to the Publick from the Want of the due Repair of such Highways: For Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for any two Justices of the Peace for any County, Riding, or Division, upon Complaint or Application to them by any Surveyor, or any one of the Surveyors of the Highways of any Parish, (stating to such Justices in Writing, and by a Plan thereunto annexed, that there is situated in the said Parish, and also in some other Parish adjoining thereto, specifying the same, a certain Common Highway, particularly describing the same by Metes, Bounds, and Admeasurement thereof, one Side of which Common Highway ought to be made or repaired by one of such Parishes, and the other Side thereof by the other of such Parishes,) to issue their Summons, with a Copy of such Writing and Plan thereunto annexed, to the Surveyor or one of the Surveyors of the Highways of such other Parish, to appear before them on a Day to be mentioned in such Summons, not more than fourteen Days, nor less than seven Days from the Day of the Date of such Summons; and that in case the Parties shall then appear before such Justices, they may then proceed finally to decide the Matter in the Manner hereinafter mentioned, in case all the Parties shall consent thereto; but in case the Surveyor summoned shall not appear on such first Summons, or appearing shall require further Time, the said Justices shall adjourn the further Consideration of the Matter for any further Time, not more than twenty-one Days, nor less than fourteen Days from the Day of such Adjournment, of which the Surveyor not appearing shall have Notice; on which Day the said Justices shall proceed to hear the Parties and their Witnesses, and whether the Party summoned does or does not appear, shall proceed to examine and finally determine the Matter in Form following: (that is to say), That it shall and may be lawful for such Justices, and they are hereby required, to divide the Whole of such Common Highway by a transverse Line crossing such Highway, into two equal Parts, or into two such unequal Parts and Proportions as, in Consideration of the Soil, Waters, Floods, the Inequality of such Highway, or any other Circumstances attending the same, they, in their Discretion, shall think just and right; and to declare, adjudge, and order that the Whole of such Highway on both Sides thereof, in one of such Parts, shall be maintained and repaired by one of such Parishes, and that the Whole of such Highway on both Sides thereof, in the other of such Parts, shall be maintained

Two Justices may determine what Parts of Highways lying in two Parishes shall be repaired by each, &c.

and repaired by the Mother of such Parishes; and shall cause such their Order, and a Plan of such Highway, and the Allotment thereof as before mentioned, to be fairly delineated on Paper or Parchment, and filed with the Clerk of the Peace of the County in which such Highway shall happen to lie, and shall also cause such Posts, Stones, or other Boundaries to be placed and set up in such Highway as in their Judgment shall be necessary for ascertaining the Division and Allotment aforesaid.

No. 13.  
George III.  
c. 64.

II. And be it further enacted, That from and after such Order and Plan shall be so filed with the Clerk of the Peace as aforesaid, such Parishes, and the Inhabitants thereof respectively, shall be bound as of Common Right to maintain and keep in Repair such Parts of such Common Highway so allotted to them as aforesaid, and shall be liable to be prosecuted and indicted for Neglect of such Duty, and shall in all Respects whatsoever be liable and subject to all the Provisions, Regulations, and Penalties contained in any Act or Acts of Parliament for the Repair of the Highways which are or shall be in force, in like Manner as they are liable and subject to with respect to the Repair of any other Common Highway within such Parishes respectively, and also shall be discharged from the Repair of such Parts of such Highway as shall not be included in their respective Allotments.

Parishes  
bound to repair  
the Parts so al-  
lotted.

III. And be it further enacted, That all Costs, Charges, and Expences to be incurred by reason of any of the Proceedings before mentioned, shall be borne and defrayed by such two Parishes, the same being settled and ascertained by such two Justices; and in case the said Parties shall refuse or neglect to pay and discharge their respective Share of such Costs and Expences, it shall and may be lawful for either of such Justices, or any other Justice of the Peace for the said County, Riding, or Division to levy the same by Distress and Sale, with the Costs of such Distress, on the Goods and Chattels of any Surveyor of the Highways of the Parish so refusing or neglecting to defray such Costs and Charges as aforesaid.

How Costs  
of Proceedings  
shall be defray-  
ed, &c.

IV. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to affect, change, or alter in any Manner whatsoever, any Boundaries of Counties, Lordships, Hundreds, Manors, or any other Division of publick or private Property, nor the Boundaries of any Parishes, otherwise than for the Purpose of amending and keeping in Repair such particular Portion of the Highways, in the Manner hereinbefore mentioned.

Boundary of  
Counties, &c.  
not to be chang-  
ed, except for  
the Purpose  
aforesaid.

V. And it further enacted, That nothing herein contained shall relate, or be construed to relate, to any Highways, the Repair of any Part of which belongs to any Bodies Politic or Corporate, Township, or other such Place, or to any private Person or Persons, by the Reason of Tenure of any Lands, or otherwise howsoever, but that the same shall be construed to relate to such Highways, the Repair of which belongs to Parishes only: Provided always, That in case any such Body

Act not to  
relate to High-  
ways repairable  
by Bodies Poli-  
tic, &c. which  
may however  
be put under the  
Regulations of  
it;

No. 13. Politic or Corporate, Township, or other such Place, or any  
 34 George III. such private Person or Persons as aforesaid, or any other  
 c. 64. Person or Persons who shall be bound by Law to repair one  
 Side of any Part of any Common Highway, shall be desirous  
 that the same should be placed under the Regulations of this  
 Act, and that a Division and Allotment thereof should be  
 made according to the Provisions thereof, and the Parties who  
 are bound to the Repair of the other Side of the said Highway  
 shall consent thereto, it shall and may be lawful for such two  
 Justices to make an Order for the Division and Allotment  
 of such Highway; and such Order, when filed with the Clerk  
 of the Peace, shall have the like Force and Effect, to all In-  
 tents and Purposes whatsoever, as is herein directed with re-  
 spect to the like Order where Parishes only are concerned.

nor to extend to  
 Scotland.

VI. And be it further enacted, That this Act shall not  
 be construed to extend to that Part of Great Britain called  
 Scotland.

Appeal may  
 be made to the  
 Quarter Ses-  
 sions.

VII. And be it further enacted, That it shall and may be  
 lawful for either of the two Parishes, between whom any such  
 Allotment of any Highway shall be made by virtue of this  
 Act, by an Order in Vestry, specially called for the Purpose,  
 to appeal to the Quarter Sessions of the Peace for the County  
 where such Parishes shall lie, to be holden next after the Time  
 when such Order and Plan shall be filed with the Clerk of the  
 Peace as aforesaid, and not otherwise; and that upon the  
 hearing of such Appeal, the Justices at such Quarter Sessions  
 shall make such Order as shall appear to them to be just, either  
 by affirming, quashing, or amending the Order of the two Jus-  
 tices; and shall allow Costs to either Party as in their Discre-  
 tion they shall think right; which Order of the Quarter Ses-  
 sions shall not be removed by Writ of *Certiorari* or otherwise,  
 but shall be final to all Intents and Purposes whatsoever.

Complaints,  
 &c. may be  
 made in the an-  
 nexed Forms.

VIII. And be it further enacted, That such Complaint,  
 Summons, Adjudication, and Plan may be in the several Forms  
 stated in the Appendix hereunto annexed, or as near thereto  
 as the Circumstances and Nature of each particular Case may  
 admit.

#### APPENDIX.—Information.

County } AT a Petty Session, holden before J. P. and  
 of } K. P. two of his Majesty's Justices of the  
 Peace for the said County, this D. y of J. S.  
 one of the Surveyors of the Highways of the Parish of A. came  
 before the Justices aforesaid, and gave them to be informed,  
 That there is in the said County a certain Common Highway,  
 leading from M. to N.; and that there is a certain Part of the  
 said Highway, that is to say, so much thereof as lies between  
 a certain Place called C. and a certain other Place called D.,  
 being in Length [as the Case may be] one Side of  
 which last-mentioned Part of the said Highway adjoining to  
 the Parish of A. lies within the said Parish of A., and is to be,  
 and of Right ought to be, repaired by the said Parish of A.;

and that the other Side of the same Part of the said Highway adjoining to the Parish of *B.* lies within the Parish of *B.*, and is to be, and of Right ought to be, repaired by the said Parish of *B.*; and stating that the Repair of such Part of the said Highway is very inconvenient to the Parishes aforesaid, and the Want thereof detrimental to the Publick: And therefore praying, That such Part of the said Highway may be allotted and apportioned for the Repair thereof, by the Justices aforesaid, to the said several Parishes of *A.* and *B.*, in the Manner directed by an Act, passed in the thirty-fourth Year of the Reign of King George the Third, intitled, *An Act, &c.*

No. 13.  
George III.  
c. 64.

(Signed) *J. S.*

One of the Surveyors of the Highways for the Parish of *A.*

The above Application was made to us the Day and Year first above written.

*J. P.*

*K. P.*

Summons, to be subjoined to a Copy of the above Information.

County } **T**O the Surveyors of the Highways of the Parish of *B.* in the said County, any or either of them.

Whereas a certain Information has been given to us *J. P.* and *K. P.* two of his Majesty's Justices of the Peace for the said County, by *J. S.* one of the Surveyors of the Highways of the Parish of *A.* in the said County, a true Copy whereof is above written; these are, in his Majesty's Name, to summon you, any or either of you, to appear before us at in the said County, on the Day of at to shew Cause (if any) why an Allotment and Apportionment of the Highway therein mentioned should not be made, according to the Provisions of the Act referred to in the said Information. Hereof fail not.

Given under our Hands, this

Day of

*J. P.*

*K. P.*

Final Order and Adjudication, to be filed with the Clerk of the Peace.

**W**HEREAS, &c.

1. *State the original Application.*

*The Summons.*

*The Appearance; and that the Parties were heard, or, their Non-appearance.*

Now we, the Justices aforesaid, having fully heard and understood the Premises, do declare, adjudge, and order, That the said Highway shall be divided in the following Manner; (that is to say,) That at the Distance of measuring from the Place called *C.*, there shall be erected certain Posts or Stones, *E.* and *F.*, on each Side of the said Highway; and the Whole



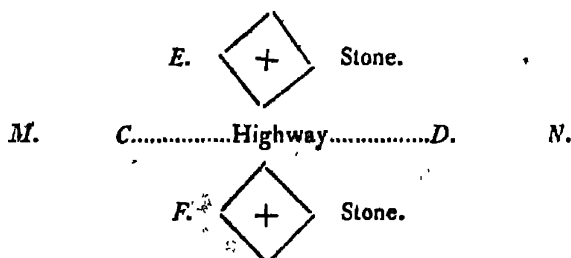
- No. 13. of the said Highway, from the Place called *C.* to such Posts or  
 34 George III. c. 64. Stones, shall be from Time to Time, and at all Times here-  
 after, repaired by the Parish of *A.*; and the Whole of the said  
 Highway, from such Posts or Stones to the Place called *D.*,  
 shall from Time to Time, and at all Times hereafter, be re-  
 paired by the Parish of *B.*

In Witness whereof we have hereunto set our Hands and  
 Seals, this Day of

*J. P.* (L. S.)  
*K. P.* (L. S.)

#### PLAN.

Parish of *A.* Bound to repair on this Side to the dotted Line.



Parish of *B.* Bound to repair on this Side to the dotted Line.

#### No. 14.

34 George III. c. 74. — An Act for varying some of the  
 Provisions in an Act of the thirteenth Year of his  
 present Majesty's Reign, respecting the Public High-  
 ways, within that Part of *Great Britain* called  
*England*, which relate to the Performance of Sta-  
 tute Duty. [11th June 1794.]

No 14. **W**HEREAS by an Act, made in the thirteenth Year of  
 34 George III. c. 74. his present Majesty's Reign, intituled, "An Act to  
 explain, amend, and reduce into one Act of Parliament, the  
 13 Geo 3. c. Statutes now in being for the Amendment and Preservation  
 78 in Part re- of the Publick Highways, within that Part of *Great Britain*  
 cited: called *England*, and for other Purposes," Provisions and Re-  
 gulations are by a certain Clause made and directed to be ob-  
 served, with respect to the Duty required from Persons not  
 keeping Teams, Draughts, or Ploughs, but keeping one or  
 two Horses, used to draw any Cart or Carts, and also with  
 respect to the Sums to be paid by Persons keeping Coaches  
 or other Wheel Carriages, and likewise respecting the per-  
 sonal Labour required from certain Inhabitants of any Parish,  
 Township, or Place: And whereas, by another Clause in  
 the said Act, Persons liable to perform Statute Duty are im-

‘powered to compound for the same, if he, she, or they shall  
‘think fit, by paying to the Surveyor certain Sums of Money  
‘as the Justices at a Special Sessions shall adjudge and declare  
‘to be reasonable, not exceeding the Sums therein mentioned :  
‘And whereas, by one other Clause in the said Act, the Sur-  
‘veyor, together with the Inhabitants and Occupiers of Lands,  
‘Tenements, Woods, Tithes, and Hereditaments within each  
‘Parish, Township, or Place are directed, at proper Seasons  
‘in every Year, to use their Endeavours for the Repair of the  
‘Highways, and to be chargeable thereunto in the Manner  
‘therein particularly mentioned ; and the said Clause also di-  
‘rects how the Contributions in Money are to be paid and re-  
‘covered : And whereas, by one other Clause in the said Act,  
‘the Justices, at their Special Sessions, are impowered to di-  
‘rect the Performance of Team Duty, or Labour in Kind, in  
‘any particular Parish, Township, or Place within their res-  
‘pective Limits, where they find high and extravagant Prices  
‘are required, occasioned by the Difficulty in procuring ne-  
‘cessary Carriages, or a sufficient Number of Labourers for  
‘the Repair of the Highways, and directing the Proportions  
‘and Manner in which such Team Duty, or Labour in Kind,  
‘shall be performed : And whereas it is expedient that certain  
‘poor Persons mentioned in the said Clauses, some or one of  
‘them, should be exempted from performing any personal La-  
‘bour, and from paying any Composition in lieu thereof, in  
‘the Repair of the Highways ; and it will be convenient that  
‘such Clauses in the said Act, Parts of which are hereinbefore  
‘recited, should be repealed, and other Provisions be substi-  
‘tuted in the Place thereof, and that the said Act should in  
‘other Respects be explained and amended :’ Be it therefore  
enacted by the King’s most Excellent Majesty, by and with  
the Advice and Consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled; and by  
the Authority of the same, That from and after the twenty-ninth  
Day of *September* one thousand seven hundred and ninety-four,  
so much of the said Act of the thirteenth Year of his present  
Majesty’s Reign as contains the before-recited Clauses shall be  
and is hereby repealed.

No. 14.  
George III.  
c. 74.

and from Sept-  
29, 1794, re-  
cited Part re-  
pealed.

II. And be it further enacted, That from and after the said  
twenty-ninth Day of *September*, every Person who shall not  
keep a Team, Draught, or Plough, but shall keep one or more  
Cart or Carts, and one or two Horses or Beasts of Draught  
only, used to draw in each of such Carts upon the Highways,  
shall be obliged to perform his Statute-duty for the like Num-  
ber of Days with such Cart or Carts, and Horse or Horses  
or Beasts of Draught, and one Labourer to attend each Cart,  
or, to pay for the Lands, Tenements, Woods, Tithes, and  
Hereditaments, which he shall occupy, according to the Rate  
hereinafter mentioned, at the Option of the Surveyor ; and  
every Person who shall keep a Coach, Post Chaise, Chair, or  
other Wheel Carriage, and not keep a Team, Draught, or  
Plough, nor occupy Lands, Tenements, Woods, Tithes, or

Persons keep-  
ing Carts and  
Horses only  
used to draw in  
them, to per-  
form Statute  
Duty ; and Per-  
sons keeping a  
Coach, &c. to  
pay 1s. for each  
Horse for each  
Day’s Statute  
Duty ; or pay  
as hereinafter  
mentioned

- No. 14. Hereditaments, of the annual Value of fifty Pounds, in the Parish, Township or Place, where he shall reside, shall pay to the Surveyor one Shilling in respect of every such Day's Statute Duty for every Horse which he shall draw in any such Carriage, or shall pay according to the Value of the Lands, Tenements, or Hereditaments, which he shall occupy, according to the Rate hereinafter mentioned, at the Option of the Surveyor; and if the said Teams, Draughts, or Ploughs, or any of them, shall not be thought needful by the Surveyor on any of the said Days, then every such Person who should have sent any such Team, Draught, or Plough, according to the Directions aforesaid, shall, according to the Notice to be given as hereinafter directed, send unto the said Work, for every one so spared, three able Men, there to labour as aforesaid, or to pay to the said Surveyor the Sum of four Shillings and Sixpence in lieu thereof, at the Option of the Surveyor; and all such Persons as aforesaid shall respectively have and bring with them such Shovels, Spades, Picks, Mattocks, and other Tools and Instruments as are useful and proper for the Purposes aforesaid; and all the said Persons and Carriages shall diligently perform the Work and Labour to which they shall be appointed by such Surveyor, for eight Hours in every of the said Days, within such Parish, Township, or Place, or in getting and carrying Materials in and from any other Parish, Township, or Place, to be employed in the Repair of the Highways of the Parish, Township, or Place for which they shall be required to perform such Duty and Labour as aforesaid; and if any Person sending a Team as aforesaid shall not send a sufficient Labourer besides the Driver, (except as before mentioned), or if any such Labourer or Driver, or the Driver of any Cart required to perform Statute Duty as aforesaid, shall refuse to work and labour during the Time above-mentioned, according to the Direction of the Surveyor, or if any Driver shall refuse to carry proper and sufficient Loads, it shall and may be lawful for such Surveyor to discharge every such Team, Cart, or Labourer, and to recover from the Owner of every such Team or Cart the Forfeiture which every such Person or Persons would have incurred by virtue of the said Act, in case no such Team, Cart, or Labourer respectively had been sent.
- III. Provided always, and be it further enacted, That any Person or Persons liable to perform the said Duty, by sending one or more Team or Teams, Draught or Draughts, Plough or Ploughs, with Men, Horses, or Oxen, in Manner aforesaid, shall and may compound for the same, if he, she, or they shall think fit, by paying to the said Surveyor, at the Time and in the Manner as in the said recited Act is mentioned, such Sum or Sums of Money as the Justices of the Peace, for the Limits wherein such Parish, Township, or Place shall be, or the major Part of them, at their Special Sessions, to be held in the first Week after Michaelmas Quarter Sessions in every Year, shall adjudge and declare to be reasonable, not exceeding six Shillings, nor less than three Shillings, for each
- 34 George III. c. 74.
- Three Men to be sent in lieu of a Team, if required, or to pay in lieu thereof.
- Tools to be brought.
- Time of working.
- If sufficient Persons be not sent, or if they are idle, the Owner of Team, &c. liable to Penalty.
- Composition may be made for Teams, &c.

Team, Draught, or Plough for each Day; and in Default of their adjudging and declaring the same, the Sum of four Shillings and Sixpence, for and in lieu of every such Day's Duty, for each Team, Draught, or Plough; and for every Cart and one Horse or Beast of Draught two Shillings, and for every Cart with two Horses, or Beasts of Draught, three Shillings, for and in lieu of every Day's Duty.

IV. And be it further enacted, That the said Surveyor to be appointed by the said Act, together with the Inhabitants and Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments within each Parish, Township, or Place, shall, at proper Seasons in every Year, use their Endeavours for the Repair of the Highways, and shall be chargeable thereunto as followeth; (that is to say), Every Person keeping a Wagon, Cart, Wain, Plough, or Fumbrel, and three or more Horses or Beasts of Draught, used to draw the same, shall be deemed to keep a Team, Draught, or Plough, and be liable to perform Statute Duty with the same in the Parish, Township, or Place, where he resides, and shall, six Days in every Year, (if so many Days shall be found necessary), to be computed from *Michaelmas* to *Michaelmas*, send, on every Day and at every Place, to be appointed by the Surveyor for the amending the Highways in such Parish, Township, or Place, one Wain, Cart, or Carriage, furnished, after the Custom of the Country, with Oxen, Horses, or other Cattle, and all other Necessaries fit to carry Things for that Purpose, and also two able Men with such Wain, Cart, or Carriage; which Duty, so performed, shall excuse every such Person from his Duty in such Parish, Township, or Place, in respect of all Lands, Tenements, Woods, Tithes, or Hereditaments, not exceeding the Annual Value of fifty Pounds which he shall occupy therein; and every Person keeping such Team, Draught, or Plough, and occupying, in the same Parish, Township, or Place, Lands, Tenements, Woods, Tithes, or Hereditaments of the Yearly Value of fifty Pounds over and beyond the said Yearly Value of fifty Pounds in respect whereof such Team Duty shall be performed; and every such Person occupying Lands, Tenements, Woods, Tithes, or Hereditaments of the Yearly Value of fifty Pounds, in any other Parish, Township, or Place besides that wherein he resides; and every other Person not keeping a Team, Draught, or Plough, but occupying Lands, Tenements, Woods, Tithes, or Hereditaments of the Yearly Value of fifty Pounds, in any Parish, Township, or Place shall in like Manner respectively, and for the same Number of Days, send one Wain, Cart, or Carriage, furnished with not less than three Horses or four Oxen, and one Horse or two Oxen; and two Horses and two able Men to each Wain, Cart, or Carriage, and in like Manner for every fifty Pounds *per Annum* respectively, which every such Person shall further occupy in any such Parish, Township, or Place respectively; such Wains, Carts, or Carriages to be employed by the Surveyor in the repairing and amending the Highways within

No. 14.  
34 George III  
c. 74.

Proportion:  
of Statute La-  
bour.

No. 14. the Parish, Township, or Place where such Lands, Tenements,  
 34 George III. Woods, Tithes, or Hereditaments shall respectively lie; and  
 c. 74. every Person who shall not keep a Team, Draught, or Plough, but  
 Money to be shall occupy Lands, Tenements, Woods, Tithes, or Heredita-  
 paid in lieu of ments under the Yearly Value of fifty Pounds, in the Parish,  
 Statute Duty by certain Persons. Township, or Place where he resides, or in any other Parish,  
 Township, or Place; and every Person keeping a Team,  
 Draught, or Plough, and occupying Lands, Tenements,  
 Woods, Tithes, or Hereditaments under the Yearly Value of  
 fifty Pounds, in any other Parish, Township, or Place than  
 that wherein he resides, shall respectively contribute to the  
 Repair of the Highways, and pay to the Surveyor of such  
 Parish, Township, or Place respectively, in lieu of such Duty,

Sums to be paid.

Persons keep-  
 ing Teams, &c.  
 and performing  
 Duty in the  
 Place of Resi-  
 dence, and not  
 occupying Pre-  
 mises of the  
 Yearly Value  
 of 50*l.* not  
 liable to send  
 more than one  
 Labourer.

Sums to be  
 deemed Com-  
 positions, and  
 paid to the Sur-  
 veyor, &c.

the Sums following; *videlicet*, For every twenty Shillings of  
 the Annual Value of such Lands, Tenements, Woods, Tithes,  
 or Hereditaments respectively, the Sum of one Penny for  
 every Day's Statute Duty, which shall be required and called  
 for by the Surveyor of such Parish, Township, or Place re-  
 spectively, in every Year, not exceeding six Day's Duty in the  
 Whole as aforesaid; and every such Person respectively  
 shall in like Manner pay the Sum of one Penny for every  
 twenty Shillings of the Annual Value of the Lands, Tene-  
 ments, Woods, Tithes, and Hereditaments which he shall oc-  
 cupy in any such Parish, Township, or Place respectively,  
 above the Annual Value of fifty Pounds, and less than one hun-  
 dred Pounds, and so for every twenty Shillings that each pro-  
 gressive and intermediate Annual Value of twenty Shillings, of  
 the Lands, Tenements, Woods, Tithes, and Hereditaments  
 which he shall so occupy, shall fall short of the further Increase  
 of fifty Pounds in every Parish, Township, or Place, where  
 such Lands, Tenements, Woods, Tithes, and Hereditaments,  
 shall respectively lie, for every Day's Statute Duty so to  
 be required as aforesaid; provided that no Person keeping  
 such Team, Draught, or Plough, and performing Duty with  
 the same as aforesaid, in the Parish, Township, or Place  
 where he resides, and not occupying Lands, Tenements,  
 Woods, Tithes, or Hereditaments within the same, of the  
 Yearly Value of thirty Pounds, shall be obliged to send more  
 than one Labourer with such Team, Draught, or Plough:  
 Which said several Sums shall be considered as Compositions,  
 and shall be paid to the Surveyor of the Parish, Township, or  
 Place in which they are charged, for the Use of the High-  
 ways therein, at the Time such Compositions are to be paid  
 under the Authority of the said Act, or within ten Days after;  
 or in Default of such Payments the said Surveyor shall make  
 Application to a Justice of the Peace, acting for the Limit  
 or District wherein such Default shall be made, and the Justice  
 to whom such Application shall be made shall summon the  
 Party so making Default to appear at some Special or other  
 Petty Sessions; to be holden for such Limit or District, and at  
 which two Justices at the least shall be present, to shew Cause  
 why he has refused or neglected to pay such Composition

Money; and in Default of Appearance, or if on Appearance he shall not make it appear to the Satisfaction of the said Justices that he is poor and indigent, and as such is an Object deserving Relief, such Money shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons refusing or neglecting to pay the same, in such Manner as the Forfeitures for the Neglect in performing the Statute Duty are hereby authorized to be levied and raised: Provided always, That when, on Application as above-mentioned, the Justices shall think proper to discharge any poor and indigent Person from Payment of the Rate or Composition Money, such Person shall at the same Time be discharged from any Expences which may arise in consequence of such Summons and Appearance.

No. 14.  
George III.  
c. 74.

Justices to  
summon De-  
faulters, &c.

Poor Persons  
discharged from  
Payment of the  
Rate to be dis-  
charged from  
Expences.

V. ' And whereas it may frequently happen, that Persons ' wholly gaining their Livelihood by the Wages of daily ' Labour, and occupying rateable Tenements within a Parish, ' Township, or Place, by reason of Age, Sickness, a numer- ' ous Family, or Misfortune, may be in poor and indigent ' Circumstances, and it may be expedient, in certain Cases, ' to discharge such poor and indigent Persons from all Rates, ' Assessments, or Composition whatsoever, imposed by Au- ' thority of the above-recited Act; ' be it further enacted, That on the Application of any poor and indigent Person to be discharged from the Payment of the Rate or Composition, made to any two Justices of the Peace, at any Special or Petty Sessions, held for the Limits wherein such poor and indigent Person shall reside, the said Justices (having first given Notice to the Surveyor of the Highways to appear on the Part of the Parish, Township, or Place in which such poor Person shall reside) shall inquire and examine into the Situation and Circumstances of the Person making such Application; and if it shall appear to the Satisfaction of such Justices that such Person is really poor and indigent, and a deserving Object of such Relief, the said Justices may, and they are hereby empowered to exempt such poor and indigent Person from the Payment of all Rates, Assessments, or Composition whatsoever, imposed by the said recited Act.

Justices may  
exempt poor  
Persons from  
Payment of the  
Rates.

VI. Provided always, and be it further enacted, That if it shall appear to the Justices, at their Special Sessions, to be held in the Week next after *Michaelmas* Quarter Sessions, or at any other Special or Petty Sessions, held within the Limits of any Parish, Township, or Place, at which two or more Justices shall be present, that from the Directions hereinbefore given for the performing and compounding the Statute Duty, there will be Difficulty in procuring the necessary Carriage, or a sufficient Number of Labourers for the Repair of the Highways, in any particular Parish, Township, or Place within their respective Limits, without paying high and extravagant Prices for the same, it shall and may be lawful for such Justices to order and direct the Team Duty, or so much thereof as they shall think fit, to be performed in Kind within every such Parish, Township, or Place, except in respect of such Teams as belong to Persons who do not occupy Lands, Tenements,

Justices may  
direct Team  
Duty to be per-  
formed in Kind.

Exception.

No. 14. Woods, Tithes, or Hereditaments of the Annual Value of thirty Pounds within the same, and also to order all such Persons as shall gain their Living by the Wages of daily Labour, or such Part of them as they shall think fit, to perform six Days Labour upon such Highways in Kind, either by themselves or other sufficient Labourers, in case so many Days Duty shall be required, upon being paid for such Labour the usual and customary Wages given to Labourers in such Parish, Township, or Place; provided that if Part of such Teams or Labourers only are required, it shall be directed by the said Order of the Justices in some given Proportion, as one half, third, or fourth Part thereof; and the Surveyor shall, in that Case, at a publick Vestry for such Parish, Township, or Place, put the Names of all the Persons liable by this Act to send such Teams into one Hat or Box, and the Names of all the Persons liable to perform such Labour into another Hat or Box, and some Inhabitant then present shall draw out such Number from each as shall be equal to the Proportion so ordered by the said Justices, and the Persons so drawn shall perform such Duty in Kind for that Year; and that if any such Order shall be made or continued in the subsequent Year, the same Method shall be observed, but the Names drawn in the preceding Year shall not be put into such Hat or Box; and in every succeeding Year such Method and Regulation shall be observed by such Surveyor, as to render the Duty so required to be performed in Kind, as equal amongst the several Persons liable thereto as may be; which Order of the said Justices, so far as the same shall be extended, shall supersede the said Power or Liberty of compounding, and shall be binding and effectual to all Intents and Purposes whatsoever, and shall continue in force until it shall be discharged or varied by the Justices at some subsequent Special Sessions for the Highways within such Limit, to be held in the Week next after Michaelmas Quarter Sessions; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Recited Act of 13 George III. except hereby altered, to continue in force.

VII. And be it further enacted, That all the Clauses, Powers, and Provisions contained in the said Act of the thirteenth Year of his present Majesty's Reign (except such as are hereby repealed or altered) shall continue in force, in the same Manner as if the same were repeated and re-enacted in the Body of this present Act; any Thing herein contained to the contrary thereof in anywise notwithstanding.

#### No. 15.

44 George III. c. 52.—An Act to alter and amend so much of an Act, passed in the thirty-fourth Year of his present Majesty, as relates to the Amount of the Sums to be paid by Persons compounding for the Performance of Statute Duty. [16th. May 1804.]

No. 15.  
44 George III.  
c. 52.

WHEREAS by an Act, passed in the thirty-fourth Year of his present Majesty's Reign, intituled, "An Act

for varying some of the Provisions in an Act of the thirteenth Year of his present Majesty's Reign, respecting the publick Highways within that Part of *Great Britain* called *England*, which relate to the Performance of Statute Duty, it is amongst other Things enacted, That any Person or Persons, liable to perform Statute Duty may compound for the same, by paying to the Surveyor of the Highways such certain Sums of Money as the Justices at a Special Session of the Peace shall adjudge and declare to be reasonable, not exceeding the Sums therein mentioned: And whereas it is expedient that the Sums so to be paid by Persons desirous of compounding for Statute Duty, should be increased in the Propositions herein-after mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, so much of the said Act of the thirty-fourth Year of his present Majesty's Reign, as relates to the Amount of the Sums to be paid by Persons desirous of compounding for the Performance of Statute Duty, shall be and the same is hereby repealed.

II. And be it further enacted, That, from and after the passing of this Act, any Person or Persons liable to perform Statute Duty, by sending one or more Team or Teams, Draught or Draughts, Plough or Ploughs, with Men, Horses, or Oxen, in Manner in the said recited Act of the thirty-fourth Year of his present Majesty's Reign mentioned, shall and may compound for the same, he, she, or they shall think fit, by paying to the Surveyor of the Highways, at the Time and in the Manner in the said Act of the thirteenth Year of his present Majesty's Reign mentioned, such Sum or Sums of Money as the Justices of the Peace for the Limits wherein the Parish, Township, or Place, for which the said Duty is liable to be performed, is situate, or the major Part of them, at their Special Session to be held in the first Week after *Michaelmas* Quarter Session in every Year, shall adjudge and declare to be reasonable, not exceeding twelve Shillings nor less than three Shillings for each Team, Draught, or Plough, for each Day; and in default of their adjudging and declaring the same, the Sum of six Shillings, for and in lieu of every Day's Duty for each Team, Draught, or Plough; and for each Cart with two Horses or Beasts of Draught, not exceeding eight Shillings nor less than three Shillings; and in default of their adjudging and declaring the same, the Sum of four Shillings; and for each Cart with one Horse or Beast of Draught, not exceeding six Shillings nor less than two Shillings; and in default of their adjudging and declaring the same, the Sum of three Shillings.

No. 15.

44 George III.

c 52

34 George III.

c. 74. § 3. 4. respecting the Highways in England.

So much of recited Act as relates to the Amount of Composition for Statute Duty repealed

How Composition for Statute Duty shall in future be ascertained and paid, and to what Amount.



## No. 16.

52 George III. c. 145. — An Act to explain the Exemption from Toll in several Acts of Parliament, for Carriages employed in Husbandry; and for regulating the Tolls to be paid on other Carriages, and on Horses, in certain other Cases therein specified. [23d July 1812.]

No. 16.  
52 George III.  
c. 145.

13 G. 3. c.  
84. s. 6.

WHEREAS an Exemption from Toll has, by several Acts for repairing Turnpike Roads, been granted, in respect of Cattle or Carriages carrying or drawing any Dung, Manure or Compost for manuring the Land, or Fodder for Cattle: And whereas in some of the said Acts there is no express Provision made for any Exemption from the Payment of Toll for and in respect of any Carriage, or the Cattle drawing the same, going empty for such Lading or returning empty, having been so laden; and, by reason of such Omission, Toll has in some cases been lately demanded, and received, in respect of Carriages going empty for such Lading; and in other cases Disputes have arisen concerning the same: And whereas the excluding from such Exemption the case of Carriages going empty for such Lading, or returning empty having been so laden, must operate to the Discouragement of Agriculture, and check the due Improvement of Land, and in many cases defeat the Benefit intended by the Exemption from Tolls of Carriages carrying Dung, Manure or Compost, or Fodder for Cattle: And whereas by a Clause in an Act passed in the Thirteenth Year of his present Majesty's Reign, intituled, "An Act to explain, amend and reduce into one Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England; and for other Purposes," it is enacted, that the Regulations of Weight thereinbefore mentioned, should not be deemed or construed to extend to any Waggon, Carts, or other Carriages, employed only in Husbandry, or carrying only Manure for Land, Hay, Straw, Fodder or Corn unthreshed: And whereas great Inconvenience will result to Persons employed in Husbandry, if the said Exemption, in respect of Waggon, Carts or other Carriages laden with Manure, and the Cattle drawing the same, should be prevented from taking place, by reason only of any empty Basket or Baskets, empty Sack or Sacks, being in or upon any such Waggon, Cart or Carriage, if the Loading thereof is substantially Manure, Hay, Straw, Fodder or Corn unthreshed: And whereas great Uncertainty has prevailed, as to the Tolls claimed on Carriages or Horses, liable to separate Tolls, when affixed, tied or secured to some Waggon, Cart or other Carriage, and much Inconvenience has arisen therefrom; May it therefore please your Majesty that it may be enacted; and be it enacted by the King's Most Excellent

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the Twenty-ninth Day of September in the Year of our Lord one thousand eight hundred and twelve, in every case in which under any Act of Parliament for making, widening and enlarging, repairing or otherwise relating to any Turnpike Road, there is an Exemption from Toll or Duty in respect of any Horse, Mule, Ass, Oxen, Waggon, Cart or other Carriage, carrying or drawing any Dung, Mould, Soil, Marl, Lime or Compost, of any Nature or Kind soever, for manuring or improving the Land, or Hay, Straw, or any other Fodder for Cattle, such Exemption shall be deemed to extend, in respect of every such Waggon, Cart or other Carriage, and also in respect to the Cattle drawing the same, going empty, or loaded only with Implements necessary for more convenient Carriage, or loading or unloading such Lading, or returning empty, or with such Implements as aforesaid, having been so laden, notwithstanding the said Waggon, Cart or other Carriage shall for the Purposes aforesaid go to or return from any Parish or Place in which the said Turnpike Road does not lie.

No. 16.  
George III.  
c. 145.

Exemption from Toll extended in certain Cases, where not specifically exempted by former Acts.

II. Provided also, and be it further enacted, That, for the preventing of Frauds on Toll Collectors, by Carts or Waggon passing empty, or loaded only with Implements necessary for the more convenient Carriage of, or for loading or unloading Manure, through Turnpike Gates, under Pretence of going for such Manure, the Owner or Driver of every empty Waggon, Cart or Carriage, claiming the Exemptions hereby extended, any or either of them, shall in all cases pay the Toll in respect of such Waggon, Cart or Carriage, before the same shall be permitted to pass through such Turnpike Gate, and that the Collector of such Toll shall thereupon deliver to such Owner or Driver a Ticket, to be marked 'Manure Exemption,' with the Name of the Gate and the Date when delivered, and the Amount of the Toll so paid; all which Sum and Sums so paid shall be repaid to the Owner or Driver of such Waggon, Cart or other Carriage, upon his or their returning on the same Day with such Waggon, Cart or other Carriage so laden as aforesaid, and producing such Ticket; and every Collector of such Toll refusing or neglecting to return the same upon the Return of such Waggon, Cart or other Carriage, and Production of such Ticket as aforesaid, shall, for every such Offence, forfeit and pay to the Owner of such Waggon, Cart or other Carriage, a Penalty of not less than ten Shillings or more than forty Shillings, upon Conviction thereof before one or more Justice or Justices of the Peace for the County, Shire or Place where such Offence shall be committed, upon the Oath of one or more credible Witness or Witnesses (which Oath the said Justice or Justices is and are hereby empowered to administer); and if the same shall not be paid upon such Conviction, to commit the Person or Persons so offending to the Common

Tolls on empty Carriages to be first paid, and afterwards returned.

Penalty.

Imprisonment.

No. 16 Gaol or House of Correction for the said County, Shire or Place,  
 52 George III for any Time not exceeding one Month.

c. 145

Appeal.

13 George III  
 c. 84 § 82.

Trustees to  
 release Lessees  
 of Tolls from  
 Contracts at  
 Michaelmas  
 next.

III. Provided also, and be it enacted, That if any Person shall think himself or herself aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, then and in such case such Person may appeal to the Justices of the Peace to be held for the Limits wherein the Cause of such Complaint shall arise, such Appellant giving such Notice, and entering into such or the like Recognizance as by the said recited Act passed in the thirteenth Year of the Roign of his present Majesty is in that case directed, and thereupon such Proceedings shall be had and taken as in the said recited Act are directed, in respect of Appeals under the Authority of that Act, in such and the same Manner as if such Powers and Regulations were herein repeated and re-enacted.

IV. And whereas many Persons may, at the Time of the passing of this Act, be Farmers or Contractors for the Tolls arising or payable on Turnpike Roads, and whose Contracts will not expire until after the twenty-ninth Day of September next; For Remedy whereof, and for Protection of such Lessees or Contractors, be it further enacted, That in case any Lessee or Lessees, Farmer or Farmers, Contractor or Contractors, for any Tolls payable to any Trustees or Commissioners appointed by virtue of any Act of Parliament for making, repairing or amending Turnpike Roads, whose Contract will not expire until after Michaelmas next, shall, by reason of this Act, be desirous of being discharged from his, her or their Contract or Contracts, and of such his, her or their Desire shall, within fourteen Days from the passing of this Act, give Notice in Writing to the Treasurer or Clerk of any such Trustees, forty Days at the least before the said twenty-ninth Day of September next, then and in every such case all such Farmers, Lessees or Contractors shall, from and after the twenty-ninth Day of September next, be released and discharged from their respective Contracts, and all and every such Contracts shall, from and after the said twenty-ninth Day of September next, cease and be null and void as to the Residue of the Term or Time for which such Tolls are or were farmed or taken, or contracted or agreed to be farmed or taken; any thing in such Leases and Agreements to the contrary notwithstanding.

Lessees, &c.  
 of Tolls wishing  
 to determine  
 Contracts,  
 Trustees, &c.  
 to relet Tolls.

V. Provided also, and be it enacted, That in case any such Lessee or Lessees, Farmer or Farmers, Contractor or Contractors for Tolls, shall give such Notice of determining his, her or their Contract as hereinbefore mentioned, then and in every such case it shall be lawful for such Trustees or Commissioners, if they think fit, forthwith to cause the said Tolls to be re-let on a Day and at a Place to be by them appointed, of which one Month's Notice at least shall be given, as by the said recited Act of the thirteenth Year of the Reign of his present Majesty is directed, and thereupon to proceed to re-let the same, and to re-let the same for the best Price they

may then be enabled to obtain for the same, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the letting thereof; any thing in the said recited Act to the contrary notwithstanding.

No. 16.  
George III.  
c. 145

VI. And be it further enacted, That the Regulations of Weight in the before mentioned Act of the thirteenth Year of the Reign of his present Majesty shall not be deemed or construed to extend to any Waggon, Cart or other Carriage, laden with Manure for Land, passing through any Turnpike Gate, so as to subject the Owner or Driver thereof to the Payment of Toll in respect of Over-weight, by reason of any empty Basket or Baskets, empty Sack or Sacks or Tubs, for more convenient Carriage, or Spade, Shovel or Fork, necessary for loading or unloading such Manure, being in or upon any such Waggon, Cart or Carriage, in addition to such Manure, if the Loading thereof is substantially Manure for Land as aforesaid; provided that the Fellies of the Wheels of such Carriages, Waggon, Carts or other Carriages, are of the Breadth or Gauge of six Inches or more, and that such Waggon, together with the Loading thereof, shall not exceed three Tons in the Summer, and two Tons ten hundred Weight in the Winter; and to every Cart having the Fellies of the Wheels of less Breadth than six Inches, two Tons in Winter, and two Tons ten hundred Weight in Summer; and that it shall be deemed Summer from the first Day of *May* to the thirty-first Day of *October*, both Days inclusive, and Winter from the first Day of *November* until the thirtieth Day of *April*, both Days inclusive; any thing in the said Act of the thirteenth Year of his present Majesty, or any other Act contained to the contrary thereof notwithstanding.

Regulations of Weight in 13 George III. c. 84 not to extend to Manure Waggon, &c. by reason of having empty Baskets, Sacks, &c.

\* VII. And whereas Coaches, Chariots, Chaises, Chairs, Carts, and other Carriages, sometimes pass through Turnpike Gates, affixed, tied or secured to Waggon or Carts; and Horses are sometimes sent under the Charge of the Drivers of such Waggon and Carts, and are fastened thereto, and it is expedient to determine what Tolls such Coaches, Chariots, Chaises, Chairs, Carts and other Carriages and Horses, ought to pay on passing through such Gates; Be it therefore enacted, That where any Coach, Chariot, Chaise, or any other Carriage whatsoever with four Wheels, shall pass through any Turnpike Gate, affixed, tied or secured to any Waggon or Cart, it shall be liable to the same Toll, and no more, as if it had passed through the said Turnpike Gate drawn by Two Horses; and in case any Chair, Cart or other Carriage whatsoever, with Two Wheels only, shall pass through any Turnpike Gate, so affixed, tied or secured to any Waggon or Cart as aforesaid, it shall be liable to the same Toll and no more, as the same would have been if passing through the said Gate drawn by one Horse only; and where any Horse shall be fastened to but not used in drawing any Waggon, Cart, or other Carriage, such Horse shall not be liable to a higher Toll than a single Horse;

Regulation as to Payment of Toll when Coaches, &c. affixed to Waggon, &c. or Saddle Horses sent by Drivers of Waggon.

\*

No. 16. provided that if any Coach, Chariot, Chaise, Chair, Cart, or other  
 52 George III. Carriage, so affixed, tied or secured to any Waggon or Cart, shall  
 c. 145. have any Goods conveyed therein, other than the Harness thereof, and such Articles of Package as may be necessary for the Protection of such Carriages, the same shall be liable to double the Toll hereby imposed.

Publick Act. VIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

### No. 17.

53 George III. c. 82.—An Act to amend an Act made in the fifty-second Year of his present Majesty's Reign, intituled "An Act to explain the Exemption from Toll in several Acts of Parliament, for Carriages employed in Husbandry; and for regulating the Tolls to be paid on other Carriages, and on Horses, in certain other cases therein specified; and for other Purposes relating thereto." [2d. July 1813.]

No. 17. **W**HEREAS by a Clause in an Act of Parliament, made  
 53 George III. c. 82. in the thirteenth Year of his present Majesty's  
 17 George III. c. 84. § 6. Reign, intituled, "An Act to explain, amend and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England; and for other Purposes," it is enacted, that the Regulations of Weight thereinbefore mentioned should not be deemed or construed to extend to any Waggon, Cart or other Carriage, employed only in Husbandry or carrying only Manure for Land, Hay, Straw, Fodder or Corn unthreshed: And whereas by a Clause in an Act of Parliament, made in the fifty-second Year of his present Majesty's Reign, intituled, "An Act to explain the Exemption from Toll in several Acts of Parliament, for Carriages employed in Husbandry; and for regulating the Tolls to be paid on other Carriages, and on Horses, in certain other cases therein specified," it is enacted, that the Regulations of Weight in the before mentioned Act of the thirteenth Year of the Reign of his present Majesty, shall not be deemed or construed to extend to any Waggon, Cart or other Carriage, laden with Manure for Land, passing through any Turnpike Gate, so as to subject the Owner or Driver thereof to the Payment of Toll in respect of Overweight, by reason of any empty Basket or Baskets, empty Sack or Sacks, for more convenient Carriage, or Spade, Shovel, or Fork, necessary for loading and unloading such Manure, being in and upon any such Waggon, Cart, or Carriage, in addition to such Manure, if the Loading thereof is substantially Manure for Land as aforesaid; provided that the Fellies of the Wheels of such Carriages, Waggons, Carts, or other Carriages, of the

‘ Breadth or Gauge of six Inches or more, and that such Waggon, together with the Loading thereof shall not exceed <sup>53</sup> three Tons in the Summer, and two Tons ten hundred Weight in the Winter; and to every Cart having the Fellies of the Wheels of less Breadth than six Inches, two Tons in Winter, and two Tons ten hundred Weight in Summer: And whereas, the said Proviso in the said last-mentioned Clause in the said Act of the fifty-second Year of his Majesty’s Reign is by Experience found to be inconvenient, and to operate to the ‘ Discouragement of Husbandry:’ May it therefore please your Majesty that it may be enacted, and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said last-mentioned Clause as relates to the Breadth of the Fellies of the Wheels of such Waggons, Carts or other Carriages, and the Weight of such Waggons and Carts, together with the respective Loading thereof, shall be and from henceforth shall stand absolutely repealed, and is hereby repealed.

No. 17.  
George III.  
c. 82

52 G. 3. c. 14;  
§ 6.

II. And be it further enacted, That from and after the passing of this Act, the Owner or Driver of any Waggon, Cart or other Carriage, laden with Manure for Land, passing through any Turnpike Gate, or otherwise passing on or across any Turnpike Road, shall not be liable to pay any Toll, nor shall any Toll be demanded for such Carriage so laden, or the Cattle drawing the same, by reason only of any empty Basket, or Baskets, empty Sack or Sacks, for more convenient Carriage, or Spade, shovel, or Fork, necessary for loading or unloading such Manure, being in or upon any such Waggon, Cart, or other Carriage, in addition to such Manure, if the Loading thereof is substantially Manure for Land as aforesaid; and Thing in any Act contained to the contrary thereof notwithstanding.

Toll not demanded for Carriage, or Cattle, on account of empty Baskets, &c.

‘ III. And whereas by another Clause in the said Act of the fifty-second Year of his present Majesty’s Reign, the ‘ Exemption from Toll in respect of Cattle or Carriages going empty or returning empty, having been laden with any ‘ Dung, Mould, Soil, Marle, Lime, or Compost, of any ‘ Nature or Kind soever, for manuring or improving Land, ‘ or Hay, Straw, or any Fodder for Cattle, is restricted to such ‘ Cattle or Carriages going empty or returning so laden on the ‘ same Day: And whereas by several particular or local ‘ Acts for making or repairing Turnpike Roads, the Exemption from Toll for and in respect of Cattle and Carriages ‘ going empty and returning so laden, has been granted without such Restriction;’ Be it therefore enacted, That so much of the said Clause as limits the Exemption from Toll granted by such several particular or local Acts to Cattle or Carriages returning the same Day, be repealed; and that all the Provisions of such several particular or local Acts for making or repairing Turnpike Roads, which grant the said Exemptions without

52 G. 3. c. 14;  
§ 11.

Exempting  
from Toll of  
Manures.

No. 17. such Restrictions as aforesaid, shall stand and be in full Force ;  
 53 George III. any thing in the said Act of the fifty-second Year of his present  
 c. 82. Majesty's Reign to the contrary notwithstanding.

Scotland IV. Provided always, and be it enacted, That nothing in  
 this Act or the said Act of the fifty-second Year of his Majesty's  
 Reign, shall extend to *Scotland*, or to any Turnpike Road out  
 of *England*.

Public Act. V. And be it further enacted, That this Act shall be  
 deemed and taken to be a Public Act, and shall be judi-  
 cially taken Notice of as such by all Judges, Justices and  
 others, without being specially pleaded.

### No 18.

54 George III. c. 109.—An Act to amend an Act of the  
 thirteenth Year of his present Majesty, to explain,  
 amend and reduce into one Act, the Statutes now in  
 force for the Amendment and Preservation of the  
 Public Highways within *England*; and for other  
 Purposes. [23d. July 1814.]

No. 18. ' WHEREAS by an Act passed in the thirteenth Year of  
 54 George III. his present Majesty, intituled, " An Act to explain,  
 c. 109. amend and reduce into one Act of Parliament, the Statutes  
 13 G. 3. c. 78. now in being for the Amendment and Preservation of the  
 Public Highways, within that Part of *Great Britain* called  
 ' *England*; and for other Purposes," the Justices of the Peace  
 ' at their General Quarter or Special Sessions for the Highways  
 ' are empowered to allow certain Assessments to be made and  
 ' collected for the Maintenance and Repair of the Highways :  
 ' And whereas it has been found by experience, that the  
 ' Assessments which are authorized by that Act, are not  
 ' sufficient for the Purposes to which the same are therein  
 ' directed to be applied ;' Be it therefore enacted by the King's  
 Most Excellent Majesty, by and with the Advice and Consent  
 of the Lords Spiritual and Temporal, and Commons, in this  
 present Parliament assembled, and by the Authority of the  
 same, That if upon the Application of the Surveyor of the  
 Highways of any Parish, Township or Place, to the Justices  
 of the Peace at their General or Quarter Sessions, or at a  
 Special Sessions for the Highways, the said Justices shall be  
 fully satisfied that the common Highways, Bridges, Causeways,  
 Streets or Pavements, belonging to such Parish, Township or  
 Place, are so far out of Order that they cannot be sufficiently  
 amended and supported by the means in the said hereinbefore  
 recited Act of the thirteenth Year of his present Majesty's  
 Reign prescribed, and by the Assessments therein authorized  
 to be made, and collected, it shall and may be lawful for the  
 said Justices to authorize, order and direct, an additional  
 Assessment to be made on such Parish, Township or Place  
 (over and above all the Assessments by the said Act autho-

Upon Appli-  
 cation of Sur-  
 veyor of High-  
 ways, Justices  
 may direct ad-  
 ditional Assess-  
 ment.

rized to be made and collected); which said additional Assessment shall be levied and collected by the same means, and in the same manner and form, as is directed for the levying and collecting the Assessments made under the Authority of the said hereinbefore recited Act, and upon the same Persons as are therein declared to be liable to be rated to the said Assessments.

No. 18.  
54 George III.  
c. 109.

II. Provided always, and be it enacted, That Notice of such intended Application shall be first proved before the said Justices, upon the Oath of the Surveyor making such Application, to have been given at the Church or Chapel, on two *Sundays* preceding such General or Quarter Sessions, or Special Sessions for the Highways; or, in Townships or Places where there are no Churches or Chapels, to have been stuck up in Writing in two or more conspicuous Places within the said Townships or Places, for one Week at least previous to such General or Quarter Sessions, or Special Sessions for the Highways; or, in Extraparochial Places, to have been given in Writing to some of the principal Inhabitants residing in such Extraparochial Place, a Week at least before such General or Quarter Sessions, or Special Sessions for the Highways; in order that any Person or Persons liable to be rated to the Assessment intended to be applied for, may attend at such General or Quarter Sessions, or Special Sessions, if they shall think fit; there to state to the said Justices any Objections which he, she or they may have to the making and collecting of such Assessment.

Notice of Ap-  
plication given.

Objections.

III. Provided always, and be it further enacted, That the Assessment herein authorized shall not exceed the Rate of one Shilling and nine Pence in the Pound on the actual Value at the time of making such additional Assessment.

Amount of  
Assessment li-  
mited.

IV. And Whereas by an Act passed in the thirty-fourth Year of the Reign of his present Majesty, intituled, "An Act for varying some of the Provisions of an Act of the thirteenth Year of his present Majesty's Reign, respecting the Publick Highways in that part of Great Britain called England, which relate to Statute Duty," it is enacted, that it shall be at the Option of the Surveyor either to require the Statute Duty in Kind, or a Composition in Money in lieu thereof, at certain Rates which are therein fixed: And Whereas by an Act passed in the forty-fourth Year of his present Majesty's Reign, intituled, "An Act to alter and amend so much of an Act passed in the thirty-fourth Year of his present Majesty, as relates to the Amount of the Sums to be paid by Persons compounding for the Performance of Statute Duty," the Rates for such Statute Duty have been increased, so far as respects Teams, Draughts, Ploughs and Carts, with one or two Horses: And Whereas the actual Wages of Labour, and the actual Rate of hiring Teams, Carts, Horses or Oxen, vary at different times and different parts of England; be it therefore further enacted, That in all cases in which it shall be made to appear to two or more Justices of the Peace acting within

14 G. 3. c. 1.  
§ 4.

44 G. 3. c. 53.  
§ 2.

Composition  
in lieu of Statute  
Duty.



No. 18. the District, by the Surveyors of the Highways or of any Turn-  
 54 George III. pike Road, that the Maintenance and Repair thereof can be  
 c. 109. more effectually carried on by a Composition in Money than  
 by a Performance of the Statute Duty in Kind, he or they shall  
 be at Liberty to require such Composition in Money, upon re-  
 ceiving an Authority under the Hands and Seals of the said  
 Justices for that Purpose, in lieu of either the whole or of any  
 certain Part of the Statute Duty, from the several Persons who  
 are bound by Law to perform such Statute Duty; and the Jus-  
 tices of the District at their Special Sessions for the Highways  
 held in the week next after *Michaelmas*, yearly, shall fix such  
 Rates as they shall adjudge reasonable, as a Composition in  
 lieu of the Teams, Carts, Horses, Oxen or Labour, which  
 such Persons are bound in the Proportions now fixed by Law to  
 provide or perform: which Rates the said Justices are hereby  
 authorised and required annually to make known at such Spe-  
 cial Sessions, due Regard being had to the actual Wages of  
 Labour, and to the actual Rate of hiring Teams, Draughts,  
 Ploughs, Carts, Horses or Oxen, in the Parish, Place or  
 District in which such Composition is required; and such Com-  
 position shall be paid in the same manner, and within the  
 same Period, and subject to the same Regulations and Provi-  
 sions, as are now by Law established for enforcing the Pay-  
 ment of Compositions in lieu of Statute Duty: Provided always,  
 that in case where the Whole Composition in Money shall not  
 be required in lieu of the Whole of the Duty in Kind, such  
 Composition shall be demanded in fair and equal Proportions  
 from each and every Person liable to pay the same, unless any  
 of the said Persons shall prefer to pay a Composition for the  
 Whole of their Statute Duty, according to the Rates fixed in  
 the manner herein directed.

Nov 50

Rate of Com-  
 position.

V. And be it further enacted, That all Persons who are  
 liable, under any of the Provisions of any of the hereinbefore  
 recited Acts, to contribute to the Repair of the Highways by  
 a Payment of Money in lieu of Statute Duty, shall contribute  
 thereto in lieu of every Day's Statute Duty, for every twenty  
 Shillings of the actual annual Value at the time of making the  
 said Assessment of the Lands, Tenements, Woods, Tithes  
 and Hereditaments which such Persons shall respectively  
 occupy in the Parish, Township or Place where they reside,  
 or in any other Parish, Township or Place, a Sum equal to  
 one fiftieth Part of the Sum fixed by the Justices, at the time  
 and in the manner by this Act directed, as the Composition  
 for one Day's Labour of a Cart, Wain or Carriage, furnished  
 with three Horses and two able Men, omitting any fractional  
 Part of the said Sum which does not amount to one Farthing;  
 and all Persons occupying more than fifty Pounds *per Annum*  
 in the Parish, Township or Place wherein they reside, or in  
 any other Parish, Township or Place, and less than one hun-  
 dred Pounds *per Annum*, shall contribute to the Repairs of the  
 Highways in lieu of every Day's Statute Duty, for every  
 twenty Shillings of the actual annual Value at the time of

making the said Assessment of the Lands, Tenements, Woods, Tithes and Hereditaments, which such Person shall respectively occupy over and beyond the said Sum of fifty Pounds *per Annum*, and under one hundred Pounds, a Sum equal to one fiftieth Part of the Sum fixed by the said Justices, at the time and in the manner by this Act directed, as the Composition for one Day's Labour of a Cart, Wain or Carriage, furnished with three Horses and two able Men, omitting any fractional Part of the said Sum which does not amount to one Farthing; and so on progressively for every twenty Shillings of the actual annual Value of the Lands, Tenements, Woods, Tithes and Hereditaments which they shall respectively occupy over and beyond every additional fifty Pounds *per Annum*; and the said Sum or Sums shall be paid in the same manner and within the same Period, and subject to the same Regulations and Provisions, as are now by Law established for enforcing the Payment of Composition in lieu of Statute Duty.

VI. And be it further enacted, That every Person who shall keep a Coach, Post Chaise, Chair or other Wheel Carriage, and not keep a Team, Draught or Plough, nor occupy fifty Pounds *per Annum* in the Parish, Township or where he resides, shall pay to the Surveyor or Surveyors in respect of every Day's Statute Duty, for every Horse which he or she shall use in drawing such Carriage, such a Sum as the Justices shall, at the time and in the manner by this Act directed, fix as the Composition for one Day's Work of a Horse; or shall, at the Option of the Surveyor or Surveyors, pay in lieu of every Day's Statute Duty, for every twenty Shillings of the actual annual Value of the Lands, Tenements, Woods, Tithes and Hereditaments, which he or she shall respectively occupy, a Sum equal to one fiftieth Part of the Sum fixed by the Justices, at the time and in the manner by this Act directed, as the Composition for one Day's Labour of a Cart, Wain or Carriage, furnished with three Horses and two able Men, omitting any fractional Part of the said Sum which does not amount to one Farthing: And the said Sum or Sums shall be paid in the same manner, and within the same Period, and subject to the same Regulations and Provisions, as are now by Law established for enforcing the Payment of Compositions in lieu of Statute Duty.

VII. And be it further enacted, That all Persons who shall refuse or neglect to perform any Part of their Statute Duty in Kind, on being regularly summoned by the Surveyor for that Purpose, shall forfeit and pay a Sum equal to twice the Amount of the Composition for such Statute Duty as they shall have so neglected or refused to perform, according to the Rates fixed by the Justices under the Provisions of this Act; and the said Persons shall also be liable to perform the said Statute Duty which they have so neglected or refused to perform, either in the same or in the following Year; the Payment of such Forfeitures, and the Arrears of such Statute Duty, to be enforced and applied to the Benefit of the Highway or Turnpike Road,

No. 18.  
George III.  
c. 109.

Persons keep-  
ing Carriages  
though not oc-  
cupying to  
Amount of 50l.  
liable to Com-  
position.

Performance  
of Statute  
Duty.

Forfeitures  
and Arrears  
how enforced,  
&c.

No. 18. as the case may be, to which the original neglected Duty was  
 54 George III. due or owing, by the Surveyor or Surveyors for the time being,  
 c. 109. and under the same Regulations and in the same manner as  
 other Forfeitures may be levied, and Statute Duty may in other  
 cases be enforced by any of the Provisions of any of the said  
 hereinbefore recited Acts.

Justices of  
 Peace, &c. to  
 execute Act. VIII. And be it further enacted, That the Justices of the  
 Peace and Magistrates of all Cities, Corporations, Boroughs,  
 Precincts, Liberties and other separate Jurisdictions, are  
 hereby authorized and required to put in Execution every Part  
 of this Act within their respective Jurisdictions, so far as the  
 Provisions thereof are applicable, in as full and ample a man-  
 ner as the Justices of any County or of any Division thereof.

Not to alter  
 former Acts but  
 where expressly  
 amended. IX. Provided also, and be it further enacted, That nothing  
 in this Act contained shall alter the several hereinbefore  
 recited Acts, nor any Act or Acts passed subsequently to the  
 said hereinbefore recited Acts, regarding the Highways or  
 Turnpike Roads in *England* and *Wales*; but that the same,  
 where not expressly amended or altered by this Act, shall  
 remain in as full force as at the time of passing this Act; and  
 that all their Powers, Authorities, Provisions, Regulations and  
 Forms, shall be applicable, not only to the carrying those  
 Acts respectively into Execution, but also this Act, so far as  
 the same are adapted thereto, and are not expressly varied or  
 altered by this Act, in as full and ample a manner as if the  
 same had been re-enacted in this Act.

### No. 19.

55 George III. c. 68. — An Act to amend an Act of the  
 thirteenth Year of his present Majesty, for the  
 Amendment and Preservation of the Public High-  
 ways, in so far as the same relates to Notice of Ap-  
 peal against turning or diverting a Public Highway;  
 and to extend the Provisions of the same Act to the  
 stopping up of unnecessary Roads. [7th. June 1815.]

No. 19. WHEREAS by an Act of Parliament made in the thir-  
 55 George III: teenth Year of the Reign of his present Majesty, intit-  
 c. 68. tuled, "An Act to explain, amend, and reduce into one Act  
 13 G. 3. c. 78. of Parliament, the Statutes now in being for the Amendment  
 and Preservation of the Public Highways, within that Part of  
*Great Britain* called *England*, and for other Purposes," it was,  
 amongst other Things, enacted, That when it should appear,  
 upon the View of any two or more of the Justices of the Peace  
 in the said Act mentioned, that any Public Highway, not in  
 the Situation therein-before described, or Public Bridleway,  
 or Footway, might be diverted so as to make the same nearer  
 or more commodious to the Public, and the Owner or Owners  
 of the Lands and Grounds through which such new Highway,

Bridleway, or Footway, was proposed to be made, should consent thereto, by Writing under his or their Hand and Seal, <sup>No. 19.</sup> or Hands and Seals, it should and might be lawful, by Order of such Justices at some Special Sessions, to divert and turn and stop up such Footway, and to divert, turn, and stop up, and inclose, sell, and dispose of such old Highway or Bridleway, and to purchase the Ground and Soil for such new Highway, Bridleway, or Footway, by such Ways and Means, and subject to such Exceptions and Conditions, in all respects, as in the said recited Act mentioned, with regard to Highways to be widened or diverted; and where any such Highway, Bridleway, or Footway, herein last before described, should be so ordered to be stopped up or inclosed, and such new Highway, Bridleway, or Footway, set out and appropriated in lieu thereof as aforesaid, it should and might be lawful for any Person or Persons injured or aggrieved by any such Order or Proceeding, or by the Inclosure of any Road or Highway, by virtue of any Inquisition taken upon any Writ of *Ad quod damnum*, to make his or their Complaint thereof, by Appeal to the Justices of the Peace, at the next Quarter Sessions which should be holden within the Limit where the same should lie, after such Order made or Proceeding had as aforesaid, upon giving ten Days Notice in Writing of such Appeal to the Surveyor and Party interested in such Inclosure, if there should be sufficient Time for that Purpose, if not, such Appeal might be made, upon the like Notice, to the next subsequent Quarter Sessions of the Peace; which Courts of Quarter Sessions were thereby respectively authorised and empowered to hear and finally determine such Appeal; and if no such Appeal be made, or being made, such Order and Proceedings should be confirmed by the said Court, the said Inclosures might be made, and the said Ways stopped, and the Proceedings thereupon should be binding and conclusive to all Persons whomsoever; and the new Highway, Bridleway, or Footway, so to be appropriated and set out, should be and for ever after continue a Public Highway, Bridleway, or Footway, to all Intents and Purposes whatsoever; but that no Inclosures of such Highway, Bridleway, or Stoppage of such Footway, should be made, until such new Highway, Bridleway, or Footway should be completed and put into good Condition and Repair, and so certified by two Justices of the Peace upon view thereof; which Certificate it was thereby enacted, should be returned to the Clerk of the Peace, and enrolled amongst the Records of the said Court of Quarter Sessions; but from and after such Certificate, such old Highways, Bridleway or Footway should and might be stopped up, and the Soil of such old Highways or Bridleways sold, in the Manner and subject to the Reservations and Restrictions in the said recited Act mentioned, with respect to the Highways to be enlarged or diverted by virtue thereof: And whereas it is expedient that more public Notice should be given of any Order made or Proceeding had for diverting, turning, stopping, and enclosing any Highway

George III.  
c. 68.

No. 19. Bridleway, or Footway; and also that a greater Facility of  
 55 George III. Appeal to the Quarter Sessions against such Order or Proceed-  
 c. 68. ing should be given to any Person or Persons who may think themselves aggrieved thereby; and it is also expedient that his Majesty's Justices of the Peace should have Power under certain Regulations, to stop up unnecessary Highways, Bridleways, and Footways: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act of the thirteenth Year of his present Majesty, as herein-before recited, shall be and the same is hereby repealed.

Part of 13 G.  
 3. c. 78. re-  
 pealed.

Justices  
 by Order at  
 Special Sessions  
 may divert and  
 turn certain  
 Highways, Bri-  
 dleways, and  
 Footways.

Justices may  
 order the stop-  
 ping up of un-  
 necessary High-  
 ways, &c.

Such Notice  
 to be inserted in  
 the Newspapers  
 of the County  
 in which such  
 Highways, &c.  
 shall lie;

II. And be it further enacted by the Authority aforesaid, That when it shall appear, upon the View of any Two or more of the said Justices of the Peace, that any Public Highway, or Public Bridleway or Footway, may be diverted, so as to make the same nearer or more commodious to the Public, and the Owner or Owners of the Lands and Grounds through which such new Highway, Bridleway, or Footway, so proposed to be made, shall consent thereto, by Writing under his or their Hand and Seal or Hands and Seals, it shall and may be lawful, by Order of such Justices at some Special Sessions, to divert and turn and to stop up such Footway, and to divert, turn, stop up, and inclose, sell and dispose of, such old Highway or Bridleway, and to purchase the Ground and Soil for such new Highway, Bridleway, or Footway, by such Ways and Means, and subject to such Exceptions and Conditions, in all respects, as in the said recited Act mentioned with regard to Highways to be widened or diverted; and also when it shall appear, upon the View of any Two or more of the said Justices of the Peace, that any Public Highway, Bridleway, or Footway is unnecessary, it shall and may be lawful, by Order of such Justices, or any Two of them, to stop up, and to sell and dispose of such unnecessary Highway, Bridleway, or Footway, by such Ways and Means, and subject to such Exceptions and Conditions in all respects as in the said recited Act is mentioned, in regard to Highways to be widened and diverted; except that the Money to arise from such Sale, where, by the said Act, it would be applicable to the Purchase of the Ground and Soil of the new Highways or Bridleways therein mentioned, shall be paid to the Surveyor or Surveyors, and be applied towards the general Repairs of the Highways and Bridleways of the Parish, Township, or Place, within which the said Highway, Bridleway, or Footway, so stopped up, shall be situate: Provided, that in the several Cases before mentioned, a Notice, in the Form or to the Effect of Schedule (A.) to this Act annexed, shall be affixed in legible Characters at the Place and by the Side of the said Highway, Bridleway, or Footway from whence the same is directed to be turned, diverted or stopped up, and also inserted in one or

more Newspaper or Newspapers published or generally circulated in the County where the Parish, Township, or Place, in which the Highway, Bridleway, or Footway, so ordered to be diverted and turned, or stopped up, as the Case may be) shall lie, (or, in case no such Newspaper shall be so published or circulated in such County, then in any Newspaper or Newspapers published or circulated in the nearest adjoining County) for three successive Weeks after the making of such Order; and a like Notice shall be affixed to the Door of the Church or Chapel of every Parish or Township in which such Highway, Bridleway, or Footway, so ordered to be diverted, turned, or stopped up, or any Part thereof, shall lie, on three successive *Sundays* subsequent to the making of such Order; and the said several Notices having been so published, the said Order shall at the Quarter Sessions which shall be holden within the Limit where the Highway, Bridleway, or Footway, so diverted and turned, or stopped up, shall lie, next after the Expiration of four Weeks from the first Day on which such Notices shall have been published as aforesaid, be returned to the Clerk of the Peace in open Court, and lodged with him; and the said Order shall at such Quarter Sessions be confirmed, and by the Clerk of the Peace inrolled amongst the Records of the said Court of Quarter Sessions.

No. 19.  
§ George III.  
c. 68.

III. Provided always, and be it further enacted, That where any such Highway, Bridleway, or Footway, shall be so ordered to be stopped up or inclosed, and such new Highway, Bridleway, or Footway, set out and appropriated in lieu thereof as aforesaid, or where any unnecessary Highway, Bridleway, or Footway, shall be so ordered to be stopped up as aforesaid, it shall and may be lawful for any Person or Persons injured or aggrieved by any such Order or Proceeding, or by the Inclosure of any Road or Highway, by virtue of any Inquisition taken upon any Writ of *Ad quod damnum*, to make his or their Complaint thereof, by Appeal to the Justices of the Peace at the said Quarter Sessions, upon giving Ten Days Notice in Writing of such Appeal to the Surveyor of the Highways of the Parish, Township, or Place wherein such Highway, Bridleway, or Footway shall be situated; and also affixing such Notice to the Door of the Church or Chapel of such Parish, Township, or Place; and the said Court of Quarter Sessions is hereby authorized and empowered to hear and finally determine such Appeal.

and the Order returned to the Clerk of the Peace, and confirmed and inrolled at Quarter Sessions.

Persons injured by any such Order or Proceedings, may appeal to Justices at Quarter Sessions, upon giving Notice thereof in Writing.

IV. Provided always, and be it further enacted by the Authority aforesaid, That if no such Appeal be made, or being made, such Order and Proceedings shall be confirmed by the said Court, the said Inclosures may be made, and the said Ways stopped; and the Proceedings thereupon shall be binding and conclusive to all Persons whomsoever; and the new Highways, Bridleways, and Footways, so to be appropriated and set out, shall be and for ever after continue a Public Highway, Bridleway, or Footway, to all Intents and Purposes whatsoever; but no Inclosures of such old Highways, Bridle-

If no Appeal be made, or if such Order be confirmed, the old Ways may be stopped, and Proceedings shall be conclusive; and new Highways shall afterwards continue a Public Highway, &c

No. 19. ways, or Footways, (except in the Case of stopping up of such  
 55 George III. useless Highways, Bridleways, or Footways, as hereinbefore  
 c. 68. is mentioned) shall be made, until such new Highway, Bridleway, or Footway, shall be completed and put into good Condition and Repair, and so certified by two Justices of the Peace upon View thereof; which Certificate shall be returned to the Clerk of the Peace, and by him inrolled amongst the Records of the Court of Quarter Sessions, next after such Order as aforesaid shall have been confirmed or enrolled pursuant to the Directions hereinbefore contained; but from and after the Inrolment of such Order and Certificate, such old Highway, Bridleway, or Footway, shall be stopped up, and the Soil of such old Highway or Bridleway sold, in the Manner, and subject to the Reservations and Restrictions in the said recited Act mentioned, with respect to Highways to be diverted by virtue of the said recited Act.

Act not to annul any previous Order or Proceedings.

V. Provided always, and be it further enacted, That this Act or any Thing herein contained shall not, and shall not be construed to annul, or in any way affect or impeach any Order or Proceeding for the diverting or stopping up any Highway, Bridleway, or Footway, made or had previous to the Day of passing of this Act, but such Order and Proceedings may be proceeded in and completed in the same Manner, and shall be valid and binding on all Persons whatsoever, to all Intents and Purposes, as if this Act had not been made; any Thing hereinbefore contained to the contrary notwithstanding.

54 G. 3. c. 109. VI. And whereas by an Act passed in the fifty-fourth Year of his present Majesty, intituled "An Act to amend an Act of the thirteenth Year of his present Majesty," it is among other Things enacted, that two or more Justices of the Peace, at their Special Sessions to be holden in the Week next after *Michaelmas* yearly, shall fix such Rates, as they shall adjudge reasonable, as a Composition in lieu of Teams, Carts, Horses, Oxen, or Labour; And whereas certain other Matters relative to the Highways are directed to be done by Justices of the Peace, at their Special Sessions to be holden in the Week next after the *Michaelmas* Quarter Sessions: And whereas the Time for holding the *Michaelmas* Quarter Sessions has been altered by an Act made in the fifty-fourth Year of his present Majesty, intituled, "An Act for regulating the Time of holding the *Michaelmas* Quarter Sessions;" be it therefore enacted, That it shall and may be lawful for the Justices of the Peace, assembled in their Special Sessions in the Week after *Michaelmas* to do and perform every Act which they might heretofore legally have done in the Special Sessions directed to be holden in the Week after the said *Michaelmas* General Quarter Sessions of the Peace.

To act in Michaelmas Special Sessions.

SCHEDULE to which this Act refers.

No 19.  
55 George III.  
c. 65.

Schedule (A).—Form of Notice.

NOTICE is hereby given, That on the \_\_\_\_\_ Day of \_\_\_\_\_ last, an Order was signed by J. H. and T. H. two of his Majesty's Justices of the Peace in and for the County of \_\_\_\_\_ for [if the Order be for turning, diverting, and stopping up, &c. here so state it, and describe the Road ordered to be turned, diverted, and stopped up:— if the Order be for stopping up a useless Road, here so state it, and describe the Road ordered to be stopped up;] and that the said Order will be lodged with the Clerk of the Peace for the said County, at the General Quarter Sessions of the Peace to be holden at \_\_\_\_\_ in and for the said County, on the \_\_\_\_\_ Day of \_\_\_\_\_ next, and also that the said Order will at the said Quarter Sessions be confirmed and enrolled, unless, upon an Appeal against the same to be then made, it be otherwise determined.

No. 20.

55 George III. c. 119. — An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases. [28th. June 1815.]

WHEREAS it might tend greatly to the Preservation of the several Turnpike Roads within that Part of the United Kingdom called *England*, if the Trustees acting in Execution of the several Acts for the maintaining and repairing thereof were enabled to grant certain Privileges and Abatement of Tolls to all Waggon, Carts, or other such Carriages, having the Axletrees thereof horizontal, and the Wheels thereof standing perpendicular on the Ground, with flat and level Fellies, and of particular Breadths: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the respective Trustees, or any seven or more of them, acting in Execution of any Act or Acts of Parliament for maintaining and repairing any Turnpike Road or Roads in that Part of the United Kingdom called *England*, at any of their respective Meetings to be holden in pursuance of such Act or Acts, and they are hereby authorized and empowered, by Order to be made at any such Meetings (in case they shall think it proper and expedient), to exempt from the Payment of all or any Part of the

No. 20.  
55 George III.  
c. 119.

Trustees of Roads empowered to exempt Carriages having the Axletrees of the Description herein mentioned from Tolls on or for Overweight



- No. 20. additional Tolls for every one hundred Weight of one hundred  
 55 George III. and twelve Pounds to the Hundred, which any Waggon, Cart,  
 c. 119. or other such Carriage, together with the Loading thereof,  
 shall weigh at any Weighing Engine erected or to be erected,  
 over and above the Weights allowed to each of them respec-  
 13 G. 3 c. 78. tively, by an Act made in the thirteenth Year of the Reign of  
 his present Majesty, intituled "An Act to explain, amend,  
 and reduce into one Act of Parliament, the general Law now  
 in being for regulating the Turnpike Roads in that Part of  
*Great Britain* called *England*, and for other Purposes," impose  
 and granted by an Act, made in the fourteenth Year of the  
 Reign of his present Majesty, intituled, "An Act for explain-  
 ing and altering an Act made in the thirteenth Year of his  
 14 G. 3. c. 82. present Majesty, intituled, 'An Act to explain, amend, and  
 'reduce into one Act of Parliament, the general Laws now in  
 'being for regulating the Turnpike Roads in that Part of *Great*  
 '*Britain* called *England*, and for other Purposes;' so far as  
 the same relates to the Payment of additional Tolls at Weighing  
 Engines, and the Number of Horses to be used in Carriages  
 drawn on Turnpike Roads, and for allowing certain Exemptions  
 with respect to Weights and Payment of Toll in particu-  
 lar Cases;" provided such Waggon, Cart, or other such Car-  
 riage, shall have the Soles or Bottoms of the Fellies of all the  
 Wheels thereof of the Breadth of Six Inches, or of Nine Inches,  
 or of Sixteen Inches or upwards, and be cylindrical, that is  
 to say, of the same Diameter on the inside next the Carriage  
 as on the outside, so that when such Wheels shall be rolling  
 on a flat or level Surface, the whole Breadth thereof shall bear  
 equally on such flat or level Surface; and provided that the  
 opposite Ends of the Axletrees of such Waggon, Cart, or other  
 Carriage, so far as the same shall be inserted in the respective  
 Naves of the Wheels thereof, shall be horizontal and in the  
 Continuance of one straight Line, without forming any Angle  
 with each other; and so that in each Pair of Wheels belonging  
 to such Carriage, the lower Parts, when resting on the Ground,  
 shall be at the same Distance from each other as the upper  
 Parts of such Pair of Wheels: Provided always, that no such  
 Exemption from such additional Tolls or Penalties for Over-  
 weight, or from any Part or Parts thereof, shall be allowed or  
 granted for or in respect of any such Waggon, Cart, or other  
 Carriage, having the Fellies of the Wheels thereof of Six Inches  
 and upwards in Breadth, and less than Nine Inches in Breadth,  
 notwithstanding the Wheels and Fellies thereof, shall be so made  
 and the Axle-trees thereof so formed and fixed as aforesaid, in  
 case such Overweight shall exceed eight Hundred Weight; nor  
 shall any such Exemption be allowed or granted for or in respect  
 of any Waggon, Cart, or other Carriage, having the Fellies  
 of the Wheels thereof of Nine Inches and upwards in Breadth,  
 and less than Sixteen Inches in Breadth, notwithstanding the  
 Wheels and Fellies thereof shall be so made, and the Axle-trees  
 thereof so formed and fixed as aforesaid, in case such Over-  
 weight shall exceed six hundred Weight; nor shall any such

Cases where  
 Exemption shall  
 not be allowed.

Exemption be allowed or granted for or in respect of any such Waggon, Cart, or other Carriage, having the Fellies of the Wheels thereof of sixteen Inches and upwards in Breadth, notwithstanding the Wheels and Fellies thereof shall be so made, and the Axletrees thereof so formed and fixed as aforesaid, in case such Overweight shall exceed thirty hundred Weight.

No. 20.  
George III.  
c. 119.

II And be it further enacted, That it shall and may be lawful to and for the respective Trustees, or any seven or more of them, acting in Execution of any Act or Acts of Parliament for maintaining and repairing any Turnpike Road or Roads in that Part of the United Kingdom called *England*, at any of their respective Meetings to be holden in pursuance of such Act or Acts, and they are hereby authorised and empowered, in case they shall think it proper and expedient, to reduce any Part or Parts of the Toll or Tolls payable by virtue of such Act or Acts, for or in respect of each and every Waggon, Cart, or other such Carriages, or the Horse or Horses, Beast or Beasts, or other Cattle drawing such Waggon, Cart, or other Carriage, having the Wheels and Fellies so made, and the Axletrees thereof so formed and fixed as aforesaid : Provided always, that nothing herein contained shall extend, or be construed to extend, to enable such Trustees to reduce such Toll or Tolls more than one-fourth of the Toll or Tolls that might otherwise be demanded and taken for or in respect of each and every such Waggon, Cart, or other such Carriage, or the Horse or Horses, Beast or Beasts, or other Cattle drawing the same.

Trustees may  
reduce other  
Tolls.

III. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to enable the said Trustees, or any seven or more of them, to reduce any such Toll or Tolls, or any of such Penalties for Overweight, during the Continuance or Existence of any Lease or Leases thereof, without the Consent in Writing of the Lessee or Lessees first had and obtained for that Purpose.

Tolls not to be  
reduced without  
Consent of Les-  
see.

## PART VI. CLASS XXIII.

### JUSTICES OF PEACE.

#### No. 1.

1 Edward III. St. 2. c. 16.—Who shall be assigned Justices and Keepers of the Peace.

No. 1.  
Edward III.  
c. 16.

**I**TEM, For the better keeping and Maintenance of the Peace, the King will, That in every County good Men and lawful, which be no Maintainers of Evil, or Barretors in the Country, shall be assigned to keep the Peace.

**I**TEM pur la pees meultz garder & meyntener le Roi voet qen chescun Countee qe bones gentz & loialx queux ne sont mye meyntenours de malveis baretz en pays soient assignez a la garde de la pees.

#### No. 2.

4 Edward III. c. 2.—The Authority of Justices of Assise, Gaol-delivery, and of the Peace.

No. 2.  
Edward III.  
c. 2.

**I**TEM, it is ordained, That good and discreet Persons, other thar of the Places, if they may be found sufficient, shall be assigned in all the Shires of *England*, to take Assises, Juries, and Certifications, and to deliver the Gaols; and that the said Justices shall take the Assises, Juries, and Certifications, and deliver the Gaols, at the least three Times a Year, and more often, if need be. Also there shall be assigned good and lawful Men in every County to keep the Peace. And at the Time of the Assignments, Mention shall be made that

**E**NSEMENT est acorde qe bones gentz & sages autres qe des places si homes les puisse trover suffisantz soient assignez en touz les countees d'Engleterre a prendre les assises jureez & certifications & a delivrer les gaoles et qe les ditz Justices preignent les assises jureez et certifications et delivrent les gaoles au meyns troiz soitz par an et plus souvent si mestier serra. Et soient auxint assignez bones gentz et loialx en chescun countee a garder la pees. Et soit fait mention es ditz assignementz qe ceus qi seront enditez ou pris par les ditz gar-

*Ex Rot in Turr. Lond.*  
 deins ne soient pas lessez au  
 meynprise pas les viscountes  
 ne par nul autre s'ils ne soyent  
 meynpernables par la lei ne que  
 tieux enditez ne soient delive-  
 rez forke a la commune lei.  
 Et eient les justices assignez a  
 la delivrance des gaoles pour  
 a delivrer les gaoles de ceux  
 qui serroient enditez devant les  
 gardeins de la pees. et que les  
 ditz gardeins mandent devant  
 les ditz Justices leur endite-  
 mentz et eient les ditz Justices  
 pour denquere sur viscountes  
 gaolers et autres en qui  
 garde tieux enditez serroient  
 s'ils facent delivrance ou les-  
 sent a meynprise nulles issint  
 enditez qui ne sont mie meyn-  
 pernables et de punir les ditz  
 viscountes gaolers et autres s'ils  
 facent riens contre cest accord.

'such as shall be indicted or  
 'taken by the said Keepers of  
 'the Peace, shall not be let to  
 'Mainprise by the Sheriffs, nor  
 'by none other Ministers, if  
 'they be not mainpernable by  
 'the Law; nor that such as  
 'shall be indicted, shall not be  
 'delivered but at the common  
 'Law. And the Justices as-  
 'signed to deliver the Gaols  
 'shall have Power to deliver  
 'the same Gaols of those that  
 'shall be indicted before the  
 'Keepers of the Peace; and  
 'that the said Keepers shall  
 'send their Indictments before  
 'the Justices, and they shall  
 'have Power to enquire of  
 'Sheriffs, Gaolers, and other,  
 'in whose Ward such indicted  
 'Persons shall be, if they make  
 'Delivrance, or let to Main-  
 'prize any so indicted, which  
 'be not mainpernable, and to  
 'punish the said Sheriffs, Gao-  
 'lers, and others, if they do  
 'any Thing against this Act.'

No. 2.  
 Edward III.  
 c. 2.

No.

18 Edward III. St. 2. c. 2.—Justices of Peace shall be  
 appointed, and their Authority.

ET aussint que deux ou trois  
 des micultz vauetz des  
 countees soient assignez gar-  
 deins de la pees par commis-  
 sions le Roi & quele heure que  
 mestier serra mesmes ceux  
 overques autres sages & apais  
 de la loye soient assignez par  
 commission le Roi doier & ter-  
 miner felonies & tre-pas faites  
 contre la pees en mesmes les  
 countees & punissement faire  
 resonablement selonc la manere  
 du fait.

TEM, That two or three  
 of the best of Reputa-  
 tion in the Counties shall be  
 assigned Keepers of the Peace  
 by the King's Commission,  
 and at what Time Need shall  
 be, the same, with other wise  
 and learned in the Law, shall  
 be assigned by the King's  
 Commission to hear and deter-  
 mine Felonies and Tres-  
 passes done against the Peace  
 in the same Counties, and to  
 inflict Punishment reasonable  
 according to Law and Rea-  
 son, and the Manner of the  
 Deed.'

No.  
 18 Edward III.  
 c. 2.

## No. 4.

34 Edward III. c. 1. — What Sort of Persons shall be Justices of Peace; and what Authority they shall have.

No. 4.  
34 Edward III.

**F**IRST, That in every County of *England* shall be assigned for the keeping of the Peace, one Lord, and with him three or four more of the most worthy in the County, with some learned in the Law, and they shall have Power to restrain the Offenders, Rioters, and all other Barators, and to pursue, arrest, take, and chastise them according to their Trespass or Offence; and to cause them to be imprisoned and duly punished according to the Law and Customs of the Realm, and according to that which to them shall seem best to do by their Discretions and good Advisement; and also to inform them, and to enquire of all those that have been Pillors and Robbers in the Parts beyond the Sea, and be now come again, and go wandering, and will not labour as they were wont in Times past, and to take and arrest all those that they may find by Indictment, or by Suspicion, and to put them in Prison; and to take of all them that be not of good Fame, where they shall be found, sufficient Surety and Mainprise of their good Behaviour towards the King and his people, and the other duly to punish, to the Intent that the People be not by such Rioters or Rebels troubled nor endamaged, nor the Peace blemished, nor Merchants nor others passing by the Highways of the Realm

**PRIMEREMENT** que en chescun countee d'Engleterre soient assignez pur la garde de la pees un Seigneur & ovesque lui trois ou quatre des meultz vauex du countes ensemblement ove ascuns sages de la ley & cient poer de restrindre les meffesours riotours & touz autres barrotours & deles poursuivre arestre prendre & chastier selonc leur trespas ou mesprision & de faire emprisoner & duement punir selonc la ley & custumes du Roialme & selonc ce qils verront mieultz affaire par leur discretions & bon avisement & auxint de eux enformer & denquere de touz ceux qi ont este pilours & robeours es parties de dela & sont ore revenuz & vont vagantz & ne voillent travailler come ils soleint avant ces hours & de prendre & arestre touz ceux qils purront trover par enditement ou par suspencion & les mettre en prisone & de prendre de touz ceux qi ne sont de bone fame ou ils serront trovez suffisant seurete & mainprise de leur bon port devers le Roi & son poeple & les autres duement punir au fin qe le poeple ne soit par tieux riotours trouble nendamage ne la pees enblemy ne marchantz nauties passantz par les hautes chemyns du Roialme destourbez ne abaicz du peril qe puria avenir de tieux meffesours & auxint doier & terminer a la suite le Roi tote manere de felonies & trespas faites en meisme le countee selonc les ley & custumes avantdites & qe

*Ex Rot in Turr. Lond.*  
 briefs doier & terminer soient  
 grantez selonc les estatuz ent  
 faites mes qe les Justices qe  
 ent serroit assignez soient no-  
 mez par la court & nemie par  
 la partie. Et le Roi voet qe  
 totes generales enqueres avant  
 ces heures grantez deinz seig-  
 nuries queconques pur les me-  
 chiefs & oppressions qe ont  
 este faites au poeple par tieles  
 enquerres cessent outrement  
 & sont repellez & qe sinz qe  
 sont affaire devant Justices pur  
 trespas fait par aucune persone  
 soient resonables & justes eant  
 regard au quantite du trespas  
 & les causes pur queles eles  
 sont faites.

' disturbed, nor put in the No. 4.  
 ' Peril which may happen of 34 Edward III.  
 ' such Offenders. And also  
 ' to hear and determine at the Justices of  
 ' King's Suit all Manner of Peace may hear  
 ' Felonies and Trespases done and determine  
 ' in the same County according to Helmes and  
 ' to the Laws and Customs Trespases.  
 ' aforesaid: and that Writs of  
 ' Oyer and Terminer be granted  
 ' according to the Statutes there-  
 ' of made, and that the Justices  
 ' which shall be thereto as-  
 ' signed be named by the Court  
 ' and not by the Party And Commissions  
 ' the King will, that all gene- of general In-  
 ' ral Inquiries before this Time quires shall  
 ' granted within any Seignio- cease.  
 ' ries, for the Mischief and  
 ' Oppressions which have been  
 ' done to the People by such In-  
 ' quires, shall cease utterly  
 ' and be repealed; and that  
 ' Fines, which are to be made  
 ' before Justices for a Trespas- Fine for Trespas-  
 ' done by any Person, be rea- passes shall be  
 ' sonable and just, having reasonable.  
 ' regard to the Quantity of  
 ' the Trespas, and the Causes  
 ' for which they be made.'

## No. 5.

12 Richard II. c. 10.—How many Justices of Peace  
 there shall be in every County, and how often they  
 shall keep their Sessions.

**I**TEM ordeignez est & assen-  
 tuz qen chescun commis-  
 sion des Justices de la paix ne  
 soient assignez qe sys Justices  
 outre les Justices d'assises & qe  
 les ditz sys Justices tiegnent  
 lour sessions en chescun quar-  
 tre del an au meyns & ce par  
 trois jours si mestier soit sur  
 peyne destre puniz selonc l'ad-  
 vys du conseil le Roy a suite  
 de chescun qe soy vorra plei-  
 dre & enquerger diligental-

' ITEM it is ordained and  
 ' agreed, That in every  
 ' Commission of the Justices  
 ' of Peace, there shall be as-  
 ' signed but six Justices, with  
 ' the Justices of Assizes, and  
 ' that the said six Justices shall  
 ' keep their Sessions in every  
 ' Quarter of the Year at the  
 ' least, and by three Days, if  
 ' need be, upon Pain to be  
 ' punished according to the  
 ' Discretion of the King's Coun-

No. 5.  
 12 Richard II.  
 c. 10.

No. 5.  
12 Richard II  
c. 10.

The Wages  
of the Clerk of  
the Peace.

No Associa-  
tion of Justices  
of Peace.

The Judges  
and Serjeants  
of the Law shall  
attend the Ses-  
sions but when  
they may.

'cil, at the Suit of every Man  
'that will complain: and they  
'shall inquire diligently,  
'amongst other Things touch-  
'ing their Offices, if the said  
'Mayors, Bailiffs, Stewards,  
'Constables, and Gaolers have  
'duly done Execution of the  
'said Ordinances of Servants,  
'and Labourers, Beggars and  
'Vagabonds, and shall punish  
'them that be punishable by  
'the said Pain of an hundred  
'Shillings, by the same Pain;  
'and they that be found in  
'Default, and which be not  
'punishable by the same Pain,  
'shall be punished by their  
'Discretion. And every of  
'the said Justices shall take for  
'their Wages four Shillings the  
'Day for the Time of their  
'said Sessions, and their Clerk  
'two Shillings, of the Fines  
'and Amerciaments rising and  
'coming of the same Sessions,  
'by the Hands of the Sheriffs.  
'And that the Lords of Fran-  
'chises shall be contributory to  
'the said Wages, after the Rate  
'of their Part of Fines and  
'Amerciaments foresaid. And  
'that no Steward of any Lord  
'be assigned in any of the said  
'Commissions. And that no  
'Association shall be made to  
'the Justices of the Peace after  
'their first Commission. And  
'it is not the Intent of this Sta-  
'tute, that the Justices of the one  
'Bench or of the other, nor the  
'Serjeants of the Law, in case  
'that they shall be named in  
'the said Commissions, shall  
'be bound by Force of this  
'Statute to hold the said Ses-  
'sions four Times in the Year,  
'as the other Commissioners,  
'the which be continually  
'dwelling in the Country, but  
'that they shall do it when  
'they may best attend it.'

*Ex Rot in Turr. Lond.*

ment entre autres choses tou-  
chantz leur offices si les ditz  
meirs baillifs seneschalx &  
conestables et auxint gaolers  
ont duement faitz execution  
des ditz ordenances & esta-  
tutz des Servantz & Laborers  
Mendinantz & Vagerantz &  
punissent ceux qe sont punis-  
sables par la dite peyne de  
C s. par mesme la peyne &  
ceux qe sont trovez en default  
qi ne sont pas punissables par  
la dite peyne punissent par  
leur discretion. Et preigne  
chescun des ditz Justices pur  
leur gages iiij s. le jour pur le  
temps de leur ditz sessions &  
leur clerks deux s. le jour des  
fyns et amerciementz surdantz  
& provenantz de mesmes les  
sessions par les mayns des vis-  
contz. Et qe les Seignurs des  
franchises soient contributoirs  
as ditz gages solonc lasserant  
de leur part des fyns & amer-  
ciementz susditz. Et qe null  
seneschal de Seignur soit as-  
signe en null des ditz commis-  
sions & qe null association soit  
faite as Justices de la paix  
apres leur primer commission.  
Et nest pas lention de cest  
estatut qe les Justices de  
lun bank et & lautre ne les  
sergeantz de ley en cas qils  
soient nomez en les ditz com-  
missions soient tenuz par force  
de cest estatut de tenir les ditz  
sessions quatre foitz par an  
come sont les autres commis-  
sioners qi sont continuellement  
demurrantz en pais mais qils  
le facent qant ils a ce poent  
bonement entendre.

## No. 6.

13 Richard II. St. 1. c. 7.—What Sort of Persons shall be Justices of Peace, and what their Charge is to do.

**I**TEM come contenuz soit en lestatut darrein fait a Cantebrigg qe null seneschall du Seignor soit assigne en commission du Justice de la pees Nientmeyns pur certaines causes monstrez en cest parlement accordez est & assentuz qe Justices de la pees soient faitz de novell en toutz les countees dEngleterre de lus plus sufficientz chivalers esquiers & gentz de ley des ditz countees nient constreint le dit estatut & qe les ditz Justices soient serementez de devent & sanz favour garder & mettre en execution toutz les estatutz & ordinaunces touchantz lour offices.

**I**TEM, Whereas it is contained in the last Statute made at *Canterbury*; that no Steward of any Lord shall be assigned in the Commission of the Justice of Peace; nevertheless for certain Causes shewed in this Parliament, it is accorded and assented, That Justices of Peace shall be made of new in all the Counties of *England*, of the most sufficient Knights, Esquires and Gentlemen of the Law of the said Counties, notwithstanding the said Statute; and that the said Justices be sworn duly without Favour to keep and put in Execution all the Statutes and Ordmances touching their Offices.

No. 6.  
13 Richard II.  
c. 7.

## No. 7.

14 Richard II. c. 11 -- In every County there shall be eight Justices of Peace. Their Estreats and Wages.

**I**TEM qen chescun countee soient assignez oept justices de la pees come est contenuz en lestatut de Cantebr' outre les Seignifurs assignez en cest parlement & qe les estreates des ditz justices soient doublez & l'une partie delivere par les ditz justices al viscont pur lever les denirs ent sourdantz & ent paier as ditz justices & a lour clerks lour gages par la mayn du dit viscont par endenture entre eux ent affaire & qe les viscontz cient allowance en lour accomptee en leschequer par mesme lendumre & qe null Duc Count Ba-

**I**TEM, That in every County be assigned eight Justices of Peace, as is contained in the Statute of *Canterbury*, besides the Lords assigned in this Parliament: And that the Estreats of the said Justices be doubled, and the one Part delivered by the said Justices to the Sheriff, to levy the Money thereof rising, and thereof to pay to the Justices and their Clerks their Wages by the Hand of the said Sheriff by Indenture betwixt them thereof to be made; and that the Sheriffs have Allowance in their Account

No. 7.  
14 Richard II.  
c. 11.

The Justices  
Estreats shall  
be double.



No. 7. ' in the Exchequer by the same  
 14 Richard II ' Indenture : And that no  
 c. 11. ' Duke, Earl, Baron, or Banerel, albeit they be assigned Justices of the Peace, and hold ther Sessions with the other eight Justices, shall take any Wages for the said Office. And that the Justices who hold their Sessions put their Names, and the Names of their Clerks, in the same Estreats, together with the Number of the Days of their Sessions, to the Intent that the Sheriffs may know to whom to pay the Wages, and to whom not; and the Barons of the Exchequer, to whom to allow, and to whom not: And that the Seals be made for the Servants, and delivered to the keeping of some good Man of the Country, after the Purport of the said Statute of *Canterbury*, which Statute, with the Modification of the same made at the last Parliament, and the Statute of Weights and Measures, and all other good Statutes and Ordinances made heretofore, and not repealed, shall be holden and kept, and put in due Execution.'

A Seal for Ser-

*Ex Rot. in Turr. Lond.*  
 ron ou Banerel tout soient ils assignez justices de la pees & tiegnent leur sessions ovesque les autres oept justices ne preignent gages pur le dit office. Et qe les justices qe tiegnent leur sessions mettent leur nouns & le noun de leur clerk ensemblement ove le nombre des jours de leur sessions au fyn qe les viscontz purrōnt savoir a qi paier gages & a qi noun & les Barons de leschequer a qi allower & a qi noun & qe les sealx soient faitz pur les servantz & bailez en garde dascun prod homme du pais solonc le purpoite de le dit estatut de Cantebr' le quell estatut ove la modification dicelle faite al darrein parlement ensemblement ove lestatutz de poys & mesures & toutz autres estatutz & bones ordinances faitz avant ces heures & nient repellez le Roy voet qils soient tenuz & gardez & myn en due execution.

## No. 8.

2 Henry V. St. 2. c. 1.—What Sorts of Men shall be Justices of the Peace.

No. 8.  
 Henry V.  
 c. 1.

FIRST, That the Justices of the Peace from henceforth to be made within the Counties of *England*, shall be made of the most sufficient Persons dwelling in the same Countiēs, by the Advice of the Chancellor and of the King's Council, without taking other Persons dwelling in foreign Countiēs to execute

PRIMEREMENT qe les justices de la pees desore enavaunt affaires deinz les countees d'Engleterre soient faitz de les pluis sufficeantz persones demurantz en mesmes les countees par advis du Chancellor & conseil le Roy sanz prendre autres persones demurantz en foreins countees a tiel office occuper lorspris

*Ex Rot. in Turr. Lond.*  
 les Seignurs et les justices das-  
 sises ore nomez & anomerz  
 par le Roy & son conseil &  
 forspris auxi les chiefs senes-  
 chaux du Royades terres &  
 Seignuries del Duchee de Lan-  
 castre en le north & le south  
 pur le temps esteantz.

such Office, except the Lords No. 8.  
 and the Justices of Assizes now 2 Henry V.  
 to be named by the  
 King and his Council;  
 cept all the King's chief Stew-  
 ards of the Lands and Seigni-  
 onies of the Duchy of Lancas-  
 ter, in the North Parts and in  
 the South for the Time being.

## No. 9.

11 Henry VI. c. 6.—No Suit pending before any Justices,  
 &c. shall be discontinued by a new Commission

**I**TEM nostre Seignur le Roi  
 considerant lez grandes  
 perdes & damages qe sovent  
 foitz ount avenuz & verisem-  
 blablement avenderount apres  
 sibien a luy mesmes come as  
 plusours dez cez leges de ceo  
 qe la ou sibien diversez endite-  
 mentez & sutes pur nostre  
 Seignur le Roi come autres  
 sutes parentre parte & parte  
 ount este prisez devaunt di-  
 versez justices de pees assign-  
 nez par diversez commissions  
 de Roi en diversez countes  
 dEngleterre & diversez ptees  
 & processess sur icelles endite-  
 ments ount sovent este faitez &  
 pendantz devaunt mesmes les  
 justices nient determinez lez  
 queux ptees & processess so-  
 vent ount este discontenuz  
 par faisaunces de novell com-  
 missions du pees en icelles  
 countes a grande perde  
 nostre dit Seignur le Roi &  
 dez sez lieges & en retarda-  
 tion dez mesmes les ptees &  
 sutes & de la deliveraunce  
 dez sez ditz lieges. Et sur  
 ceo nostre dit Seignur le Roi  
 voillant purvoir de remedie  
 de lassent & auctorite quisditz  
 ad ordeine & estable quen tous  
 tielx sutes & ptees & proces-  
 ses en icelles apprendres & affajres  
 devaunt justices de pees en  
 aucune counte dEngleterre lez

**I**TEM, Our Lord the King No. 9.  
 considering the great losses 11 Henry VI.  
 and Damages which often- c. 6.  
 times have come, and be  
 likely to come hereafter, as  
 well to himself as to many  
 of his Lieges, for that where  
 as well divers Indictments  
 and Suits for our Lord the  
 King, as other Suits between  
 Party and Party, have been  
 taken before divers Justices of  
 the Peace, assigned by sever-  
 al Commissions of our said  
 Lord the King in divers  
 Counties of England, and  
 divers Pleas and Processess  
 upon those Indictments have  
 often been made, and hang-  
 ing before the same Justices  
 not determined, the which  
 Pleas and Processess have  
 been often discontinued, by  
 making of new Commissions  
 of the Peace in those Coun-  
 ties, to the great Loss of our  
 said Lord the King and of his  
 Subjects, in Delay of the  
 same Pleas and Suits, and of  
 the Deliverance of his said  
 Subjects: And upon that our  
 Lord the King willing to pro-  
 vide Remedy, of the Assent  
 and Authority aforesaid, hath  
 ordained and established,  
 That in all such Pleas, Suits,  
 and Processess, in them to be  
 taken and to be made before

- No. 9. Justices of the Peace in any County of England, the said Pleas and Processes in such Suits to be done shall not be discontinued by such new Commissions of the Peace to be made, but those Pleas and Processes shall stand in their Force. And the Justices in the same new Commissions so assigned, after that they shall have the Records of the same Pleas and Processes before them, shall have Power and Authority to continue the said Pleas and Processes; and the same Pleas and Processes, and all that depend upon them, to hear and finally to determine, as the other Justices might and ought to have done of and in the same, if no new Commission had been made.
- Ex Rot. in Turr. Lond.*  
ditz plees & proces en tiels sutes affaires ne soient my contenuz par tiels novell commissions de pees affaires mes estoient mesmes lez plees & proces en lour force. Et eient lez justices de mesmes lez novell commissions ensi assignez apres ceo qils averount lez recordes des ditz plees & proceses devaunt eux poair & auctorite dez lez ditz plees & proceses continuer & mesmes lez plees & processe & tous lez dependants dicelles oier & finalment determiner sicome lez autres justices purrount & duissent avoir fait de & en icelles si null novell commission eust este fait.

## No. 10.

Mary, Sess. 2. c. 8.—An Act that Sheriffs shall not be Justices of Peace during that Office.

No. 10.  
1 Mary, c. 10.  
12 Ed. 4. c. 1.

No Sheriff  
shall be Justice  
of Peace where  
or when he is  
Sheriff.

WHERE in one Act of Parliament, intituled, "An Act for the Continuance of Actions after the Death of any King," made in the first Year of our late Sovereign Lord King Edward the Sixth, amongst other Things it is ordained and enacted, That albeit any Person or Persons being Justice of Assize, Justice of Gaol-delivery, or Justice of Peace, within any of the King's Dominions, or being in any other of the King's Commissions whatsoever, shall fortune to be made Duke, Archbishop, Marquess, Earl, Viscount, Baron, Bishop, Knight, Justice of the one Bench or of the other, or Seijeant at the Law or Sheriff, yet that notwithstanding he and they should remain Justice and Commissioner, and have full Power and Authority to execute the same in like Manner and Form as he or they might or ought to have done before the same, as in the said Act more plainly appeareth: (2) Sithence the making of which Act, divers Persons being in Commission of the Peace in one County, have been made Sheriffs of the same County, and have exercised either of the said Offices; which seemeth not to be convenient:

II. Wherefore be it enacted by the Authority of this present Parliament, That no manner of Person or Persons having,

using or exercising the Office of the Sheriff of any County or Counties, shall use or exercise the Office of the Justice of the Peace, by Force of any Commission or otherwise, in any County or Counties where he or they shall be Sheriff, during the Time only that he or they shall use or exercise the said Office of Sheriffwick: any Thing in the said former Act to the contrary in any wise notwithstanding. And that all and every Act and Acts to be done by any such Sheriff and Sheriffs by Authority of any Commission of the Peace, during the Time abovesaid, shall be void and of none Effect; the said former Act notwithstanding.

No. 10.

1 Mary, c. 10.

## No. 11.

2 and 3 Philip and Mary, c. 18.—An Act touching Commissions of the Peace and of Gaol-delivery, in Towns Corporate not being Counties.

‘WHERE the King and Queen’s most excellent Highness, and their noble Progenitors, Kings of this Realm, have heretofore granted their several Commissions directed as well unto the Mayors, Records and other grave Men, and Inhabitants of certain ancient and famous Cities and Towns Corporate within this Realm of *England*, not being Counties in themselves, as also unto divers other worshipful and learned Men, dwelling out of the same Cities and Towns Corporate, as well for the keeping of their Peace, good ordering of their People, and executing of their Laws and Statutes within the same Cities and Towns Corporate, as also for the Delivery of their Majesties Prisoners remaining in the Gaols there; and after the granting of such Commissions, their Majesties have granted divers other like Commissions unto certain worshipful and learned Men of the Shires, Lathes, Rapes, Ridings and Wapentakes of this Realm of *England*, for the Conservation of their Peace, and also delivering of their Prisoners remaining in their Gaols within the same Shires, Lathes, Rapes, Ridings and Wapentakes; (2) which Commissions so bearing a later Day, have been a *Supersedeas* and clear Discharge unto all and singular the said former Commissions, granted unto the said Cities and Towns Corporate, not being Counties in themselves; (3) so that the said Mayor and other grave and chiefest Officers of every such City and Town Corporate, have been charged to sue for the renewing again of such Commissions, both for the Peace and Gaol-delivery, to the great Expences, Costs and Charges of the said Mayor, and other the Inhabitants of such Cities and Towns Corporate, and to the great Protracting and Delay of Justice therein in the mean Time: For Reformation whereof, and for the better Advancement of Justice in the Premises;’

No. 11.

2 &amp; 3 Philip and

Mary, c. 18.

19 H. 7. c. 7.

II. Be it therefore enacted by the King and Queen’s Majesties, the Lords Spiritual and Temporal, and the Commons, in

No. 11. this present Parliament assembled, and by the Authority of the same, That all and singular Commission and Commissions, granted or to be granted to any such City or Town Corporate, not being as is aforesaid a County in itself, for the keeping of their Peace and Delivery of their Prisoners remaining in the Gaols of any such City or Town Corporate, not being a County in itself, shall stand, remain, and be good and available and effectual in the Law, to all Intents, Constructions and Purposes; the granting of any like Commission of Peace or Gaol Delivery to any Commissioner or Commissioner for the Conservation of the Peace; or Delivery of the Prisoners remaining in the Gaol of any Shire, Lathe, Rape, Riding or Wapentake, within this Realm of *England*, bearing Date after the said Commission or Commissions granted as is aforesaid, to any such City or Town Corporate, not being, as is aforesaid, a County in itself, to the contrary notwithstanding.

2 & 3 Philip and  
Mary, c. 18.

A Commission  
of the Peace and  
Gaol-delivery  
shall not be a  
Supersedeas to a  
form like  
Commission  
granted to a  
City or Town  
Corporate.  
4 Inst. 169.

#### No. 12.

9 George I. c. 7.—An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor.

No. 12.  
9 George I.  
c. 7.

Justices dwelling  
out of a  
County, may  
grant Warrants,  
&c.

III. **A**ND for the greater Ease of Justices of the Peace, whom his Majesty or his Successors hath or shall by Commission authorise to act as a Justice of the Peace for any County of this Realm; Be it enacted by the Authority aforesaid, That if any such Justice of the Peace shall happen to dwell in any City, or other Precinct that is a County of itself, situate within the County at large, for which he shall be appointed Justice of Peace, although not within the same County, it shall and may be lawful for any such Justice of Peace to grant Warrants, take Examinations, and make Orders for any Matters, which any one or more Justice or Justices of the Peace may act in, at his own Dwelling-house, although such Dwelling-house be out of the County where he is authorized to act as a Justice of Peace, and in some City or other Precinct adjoining, that is a County of itself; and that all such Warrants, Orders, and other Act or Acts of any Justice of Peace, and the Act or Acts of any Constable, Tithingman, Headborough, Overseer of the Poor, Surveyor of the Highways, or other Officer, in Obedience to any such Warrant or Order, shall be as valid, good and effectual in the Law, although it happen to be out of the Limits of the proper Precinct or Authority: Provided always, That nothing in this Act contained shall extend to give Power to the Justices of Peace for the Counties at large, to hold their General Quarter Sessions of the Peace in the Cities or Towns which are Counties of themselves, nor to empower Justices of Peace, Sheriffs, Bailiffs, Constables, Headboroughs, Tithingmen, Borsholders, or any other Peace-Officers of the Counties at large, to act or intermeddle in any Matters or Things

arising within Cities or Towns which are Counties of themselves, but that all such Actings and Doings shall be of the same Force and Effect in Law, and none other, as if this Act had never been made.

No. 12.  
9 George I.  
c. 7.

No. 13.

5 George II. c. 18.—An Act for the further Qualification of Justices of the Peace.

‘WHEREAS the constituting Persons of mean Estates to be Justices of the Peace may be highly prejudicial to the publick Welfare,’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fifth Day of March one thousand seven hundred and thirty-three, no Person shall be capable of being a Justice of the Peace, or to act as a Justice of the Peace for any County within that Part of Great Britain called England, or the Principality of Wales, who shall not have an Estate of Freehold or Copyhold to and for his own Use and Benefit, in Possession, for Life, or for some greater Estate, either in Law or Equity, or an Estate for Years, determinable upon one or more Life or Lives, or for a certain Term originally created for one and twenty Years, or more, in Lands, Tenements or Hereditaments lying in that Part of Great Britain called England, or Principality of Wales, of the clear yearly Value of one hundred Pounds, over and above what will satisfy and discharge all Incumbrances that may affect the same.

No. 13.  
5 George II.  
c. 18.  
‘Amended by  
18 Geo. 2. c.

No Persons to be Justices who have not tool a Year clear of Incumbrances.

II. And be it further enacted by the Authority aforesaid, That no Attorney, Solicitor or Proctor in any Court whatsoever, shall, from and after the said twenty-fifth Day of March one thousand seven hundred and thirty-three, be capable to continue or be a Justice of the Peace within any County for that Part of Great Britain called England, or the Principality of Wales, during such Time as he shall continue in the Business and Practice of an Attorney, Solicitor or Proctor.

Attornies, Solicitors and Proctors incapacitated.

III. And be it further enacted by the Authority aforesaid, That if any Person, who shall not be qualified according to the Directions of this Act, shall, after the said twenty-fifth Day of March one thousand seven hundred and thirty-three, accept or take upon himself, the Office of a Justice of the Peace, or shall do any Act as such, the Person so offending shall for every such Offence forfeit and pay the Sum of one hundred Pound; one Moiety whereof shall be to the King’s Majesty, his Heirs and Successors, and the other Moiety to such Person or Persons as will sue for the same by Action of Debt, Bill, Plaint or Information, in any of his Majesty’s Courts of Record at Westminster, in which no Essoin, Protection, Wager of Law, or more than one Imparance, shall be allowed.

Persons acting as Justices not so qualified, to forfeit tool.

No. 13. **IV.** Provided always, That this Act or any Thing herein contained, shall not extend or be construed to extend to any City or Town, being a County of itself, or to any other City, Town, Cinque Port or Liberty having Justices of the Peace within their respective Limits and Precincts by Charter, Commission or otherwise; but that in every such City, Town, Liberty and Place such Persons may be capable to be Justices of the Peace, and in such Manner only as they might have been if this Act had never been made; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

5 George II. c. 18.  
Not to extend to Cities which are Counties, or other Places having Justices by Charter,

nor to the eldest Sons of Peers, or of Knights of Shires, 9 Ann. c. 5.

**V.** Provided always, That nothing in this Act contained shall extend to incapacitate any Peer or Lord of Parliament, or the eldest Son or Heir Apparent of any Peer or Lord of Parliament, or of any Person qualified to serve as Knight of a Shire by an Act, intituled, "An Act to secure the Freedom of Parliaments by the further qualifying Members to sit in the House of Commons," to be a Justice of the Peace for any County, or to act as such; any Thing herein contained to the contrary thereof in any wise notwithstanding.

nor to the Board of Green Cloth, or principal Officers of the Navy,

**VI.** Provided also, That nothing in this Act contained shall extend or be construed to extend to incapacitate or exclude the Officers of the Board of Green Cloth from being Justices of the Peace within the Verge of his Majesty's Palaces, or to incapacitate or exclude the Commissioners and principal Officers of the Navy, or the two Under Secretaries in each of the Offices of Principal Secretary of State, from being Justices of the Peace in and for such Maritime Counties and Places where they usually have been Justices of the Peace; any Thing herein contained to the contrary in any wise notwithstanding.

nor to Heads of Colleges in either University. 7 Geo. 2. c. 20. s. 3.

**VII.** Provided always, That this Act, nor any Thing herein contained, shall extend or be construed to extend to any of the Heads of Colleges or Halls in either of the two Universities of *Oxford* and *Cambridge*, but that they may be made Justices of the Peace of and in the several Counties of *Oxford*, *Berks*, and *Cambridge*, and the Cities and Towns within the same, and execute the Office thereof, as fully and freely in all Respects, as heretofore they have lawfully used to execute the same, as if this Act had never been made; any Thing herein before contained to the contrary notwithstanding.

#### No. 14.

**16 George II. c. 18.** An Act to empower Justices of the Peace to Act in certain Cases relating to Parishes and Places, to the Rates and Taxes of which they are rated or chargeable.

No. 14.  
16 George II. c. 18.  
15 G. 2. c. 24.

**WHEREAS** Doubts have arisen whether, according to the Laws and Statutes now in Force, his Majesty's Justices of the Peace may lawfully act in any Case relating to the Parishes or Places to the Rates and Taxes of which such

‘Justices respectively are rated or chargeable:’ May it please your Majesty that it may be enacted, and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for all and every Justice or Justices of the Peace for any County, Riding, City, Liberty, Franchise, Borough, or Town Corporate within their respective Jurisdictions, to make, do, and execute all and every Act or Acts, Matter or Matters, Thing or Things appertaining to their Office as Justice or Justices of the Peace, so far as the same relates to the Laws for the Relief, Maintenance and Settlement of poor Persons; for passing and punishing Vagrants; for Repair of the Highways; or to any other Laws concerning Parochial Taxes, Levies, or Rates; notwithstanding any such Justice or Justices of the Peace is or are rated to or chargeable with the Taxes, Levies, or Rates within any such Parish, Township, or Place affected by any such Act or Acts of such Justice or Justices as aforesaid.

No. 14.  
16 George II.  
c. 18.

II. And be it further enacted by the Authority aforesaid, That no Act or Acts, Matter or Matters, Thing or Things, which hath or have been before the making this Act done, made, or executed by any such Justice or Justices of the Peace shall hereafter be quashed or declared void, because the same hath or have been so made, done, or executed by any such Justice or Justices so rated or chargeable as aforesaid; any Law, Usage, or Custom whatsoever to the contrary notwithstanding.

No Act of Justices heretofore done, shall be made void, because themselves are rated:

III. Provided always, and be it further enacted by the Authority aforesaid, That this Act, or any Thing therein contained; shall not authorize or empower any Justice or Justices of the Peace for any County or Riding at large, to Act in the Determination of any Appeal to the Quarter Sessions for any such County or Riding, from any Order, Matter, or Thing relating to any such Parish, Township, or Place, where such Justice or Justices of the Peace is or are so charged, taxed, or chargeable as aforesaid; any Thing herein contained to the contrary in any wise notwithstanding.

#### No. 15.

16 George II. c. 20.—An Act to amend and render more effectual an Act passed in the fifth Year of his present Majesty’s Reign, intituled, “An Act for the further Qualification of Justices of the Peace.”

‘WHEREAS by many Acts of Parliament of late Years made, the Power and Authority of Justices of the Peace is greatly increased, whereby it is become of the utmost Consequence to the Commonweal to provide against Persons of mean Estate acting as such: And whereas the Laws now in Force are not sufficient for that Purpose;’ Be it there-

No. 15.  
16 George II.  
c. 20.



No. 15.  
18 George II  
c. 20.

No Person to  
be a Justice of  
Peace not pos-  
sessed of 100l.  
per Annum.

or not intitled  
to Reversion of  
300l per An-  
num.

and who shall  
not take and  
subscribe the  
following Oath.

Amended  
by 19 Geo. 2.  
c. 13.

Oath.

fore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fifth Day of March, which shall be in the Year of our Lord one thousand seven hundred and forty-six, no Person shall be capable of being a Justice of the Peace, or of acting as such for any County, Riding, or Division, within that Part of Great Britain called England, or the Principality of Wales, who shall not have, either in Law or Equity, to and for his own Use and Benefit, in Possession, a Freehold, Copyhold, or Customary Estate for Life, or for some greater Estate, or an Estate for some long Term of Years, determinable upon one or more Life or Lives, or for a certain Term originally created for twenty-one Years or more in Lands, Tenements, or Hereditaments lying or being in that Part of Great Britain called England, or the Principality of Wales, of the clear yearly Value of one hundred Pounds, over and above what will satisfy and discharge all Incumbrances that affect the same, and over and above all Rents and Charges payable out of, or in respect of the same; or who shall not be seized of, or intitled unto, in Law or Equity, to and for his own Use and Benefit, the immediate Reversion or Remainder of and in Lands, Tenements, or Hereditaments, lying or being as aforesaid, which are leased for one, two, or three Lives, or for any Term of years, determinable upon the Death of one, or of two, or three Lives, upon reserved Rents, and which are of the clear yearly Value of three hundred Pounds; and who shall not, before the said twenty-fifth Day of March, or before he takes upon himself to act as a Justice of Peace after the said twenty-fifth Day of March, at some General or Quarter Sessions of the County, Riding, or Division for which he does or shall intend to act, first take and subscribe the Oath following, *vide licet*;

**I** *A. B.* do swear, That I truly and *bona fide* have such an Estate, in Law or Equity, to and for my own Use and Benefit, consisting of *(specifying the Nature of such Estate, whether Messuage, Land, Rent, Tythe, Office, Benefice, or what else)* as doth qualify me to act as a Justice of the Peace for the County, Riding, or Division, of according to the true Intent and Meaning of an Act of Parliament, made in the eighteenth Year of the Reign of his Majesty King George the Second, intituled, "An Act to amend and render more effectual an Act passed in the fifth Year of his present Majesty's Reign, intituled, 'An Act for the further Qualification of Justices of the Peace;' and that the same *(except where it consists of an Office, Benefice, or Ecclesiastical Preferment, which it shall be sufficient to ascertain by their known and usual Names)* is lying or being, or issuing out of Lands, Tenements, or Hereditaments, being within the Parish, Township, or Precinct of or in the several Parishes, Townships, or Precincts of in the County

' of or in the several Counties of (as the Case No. 15.  
' may be.)' 18 George II.  
c. 20

Which Oath so taken and subscribed as aforesaid, shall be kept by the Clerk of the Peace of the said County, Riding, or Division for the Time being, among the Records of the Sessions for the said County, Riding, or Division.

II. And be it further enacted by the Authority aforesaid, That every such Clerk of the Peace shall, upon Demand for that Purpose made, forthwith deliver a true and attested Copy of the said Oath in Writing, to any Person, paying for the same the Sum of two Shillings and no more; which being proved to be a true Copy of such Oath, to be kept amongst the Records as aforesaid, shall be admitted to be given in Evidence upon any Issue in any Action, Suit, or Information, to be brought upon this Act.

III. And be it further enacted by the Authority aforesaid, That from and after the said Twenty fifth Day of March, any Person who shall act as a Justice of the Peace for any County, Riding, or Division, within that Part of Great Britain called England, or the Principality of Wales, without having taken and subscribed the said Oath as aforesaid, or without being qualified according to the true Intent and Meaning of this Act, shall, for every such Offence, forfeit the Sum of one hundred Pounds; one Moiety to the Use of the Poor of the Parish in which he most usually resides, and the other Moiety to the Use of such Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, in which no Escoin, Protection, Wager of Law, or more than one Imparllance shall be allowed; and in every such Action, Suit, or Information, the Proof of his Qualification shall lie on such Person against whom the same is brought.

IV. Provided always, and be it further enacted by the Authority aforesaid, That if the Defendant in any such Action, Suit, or Information, shall intend to insist upon any Lands, Tenements, or Hereditaments, not contained in such Oath as aforesaid, as his Qualification to act as a Justice of Peace, in Part, or in the Whole, at the Time of the supposed Offence, wherewith he is charged, he shall at or before the Time of his Pleading deliver to the Plaintiff or Informer, or his Attorney, a Notice in Writing, specifying such Lands, Tenements, and Hereditaments (other than those contained in the said Oath) and the Parish, Township, Precinct, or Place, or Parishes, Townships, Precincts, or Places, and the County or Counties wherein the same are respectively situate, lying or being (Offices and Benefices excepted, which it shall be sufficient to ascertain by their known and usual Names) and if the Plaintiff or Informer in any such Action, Suit, or Information, shall think fit thereupon not to proceed any further, he may, with the Leave of the Court, discontinue such Action, Suit, or Information, on Payment of such Costs to the Defendant as the Court shall award.

No. 15.  
18 George II.  
c. 20.

Lands not men-  
tioned not to be  
allowed.

Lands men-  
tioned, how far  
chargeable with  
Incumbrances.

Qualification  
by Rent only.

Treble Costs.

Only one Pe-  
nalty recover-  
able by this and  
3 Geo. 2 c. 58.

No subsequent  
Action to be for  
Offences prior  
to the first Ac-  
tion and Notice.

V. Provided also, and it is hereby further enacted by the Authority aforesaid, That upon the Trial of the Issue in any Action, Suit, or Information, to be brought as aforesaid, no Lands, Tenements, or Hereditaments, which are not contained in such Oath and Notice as aforesaid, or one of them, shall be allowed to be insisted upon by the Defendant, as any Part of his Qualification.

VI. And be it further enacted and declared by the Authority aforesaid, Where the Lands, Tenements, or Hereditaments, contained in the said Oath or Notice, are, together with other Lands, Tenements, and Hereditaments, belonging to the Person taking such Oath, or delivering such Notice, liable to any Charges, Rents, or Incumbrances, that within the true Intent and Meaning, and for the Purposes of this Act, the Lands, Tenements, and Hereditaments, contained in the said Oath or Notice shall be deemed and taken to be liable and chargeable, only so far as the other Lands, Tenements, and Hereditaments so jointly charged, are not sufficient to pay, satisfy, or discharge the same.

VII. Provided always, That where the Qualification required by this Act, or any Part thereof, consists of Rent, it shall be sufficient to specify in such Oath or Notice as aforesaid, so much of the Lands, Tenements, or Hereditaments, out of which such Rent is issuing, as shall be of sufficient Value to answer such Rent.

VIII. Provided always, and be it enacted by the Authority aforesaid, That in case the Plaintiff or Informer in any such Action, Suit, or Information, shall discontinue the same, otherwise than aforesaid, or be nonsuit, or Judgment be otherwise given against him, that then and in any of the said Cases, the Person against whom such Action shall have been brought shall recover treble Costs.

IX. Provided always, and be it further enacted by the Authority aforesaid, That only one Penalty of one hundred Pounds shall be recovered from the same Person by virtue of this Act, or of an Act made in the fifth Year of the Reign of his present Majesty, intituled, "An Act for the further Qualification of Justices of the Peace," for the same, or any other Offence committed by the same Person, before the bringing of the Action, Suit, or Information, upon which one Penalty of one hundred Pounds shall have been recovered, and due Notice given to the Defendant of the Commencement of such Action, Suit or Information; any Thing in this or the same Act to the contrary notwithstanding.

X. Provided always, and be it enacted by the Authority aforesaid, That where an Action, Suit, or Information shall be brought, and due Notice given thereof as aforesaid, no Proceedings shall be had upon any subsequent Action, Suit, or Information against the same Person, for any Offence committed before the Time of giving such Notice as aforesaid; but the Court where such subsequent Action, Suit, or Information shall be brought, may, upon the Defendant's Motion, stay Pro-

ceedings upon every such subsequent Action, Suit, or Information, so as such first Action, Suit, or Information be prosecuted without Fraud, and with Effect, it being hereby declared, That no Action, Suit, or Information, which shall not be so prosecuted, shall be deemed or construed to be an Action, Suit, or Information, within the Intent and Meaning of this Act.

No. 15.  
18 George II.  
c. 20.

XI. Provided always, That every Action, Bill, Complaint, or Information, given by this or the said former Act, shall be commenced within the Space of six Calendar Months, after the Fact upon which the same is grounded shall have been committed.

Limitation of  
Actions.

XII. Provided always, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to any City or Town, being a County of itself, or to any other City, Town, Cinque-port, or Liberty, having Justices of the Peace within their respective Limits and Precincts, by Charter, Commission, or otherwise; but that in every such City, Town, Liberty, and Place, such Persons may be capable to be Justices of the Peace, and in such Manner only, as they might have been if this Act had never been made; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

Places not  
within this Act.

XIII. Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act, or in an Act passed in the fifth Year of his present Majesty's Reign, intituled, "An Act for the further Qualification of Justices of the Peace," contained, shall extend to any Peer, or Lord of Parliament, or to the Lords or others of his Majesty's most honourable Privy Council, or to the Justices of either Bench, or to the Barons of the Court of Exchequer, or to his Majesty's Attorney or Solicitor General, or to the Justices of Great Sessions for the County Palatine of Chester, and the several Counties of the Principality of Wales, within their respective Jurisdictions, or to the eldest Son or Heir apparent of any Peer or Lord of Parliament, or of any Person qualified to serve as a Knight of a Shire, by an Act made in the ninth Year of the Reign of her late Majesty Queen Anne, intituled, "An Act to secure the Freedom of Parliaments, by the further qualifying Members to sit in the House of Commons;" any Thing herein contained to the contrary thereof in any wise notwithstanding.

Persons ex-  
cepted.

XIV. Provided also, That nothing in this Act, or in the said Act of the fifth Year of the Reign of his present Majesty contained, shall extend, or be construed to extend, to incapacitate or exclude the Officers of the Board of Green Cloth from being Justices of the Peace within the Verge of his Majesty's Palaces, or to incapacitate or exclude the Commissioners and Principal Officers of the Navy, or the two Under Secretaries in each of the Offices of Principal Secretary of State, or the Secretary of *Chelsea* College, from being Justices of the Peace in or for such Counties or Places where they usually have been Justices of the Peace; any Thing herein contained to the contrary in any wise notwithstanding.

Persons ex-  
cepted.

No. 15. XV. Provided always, That this Act, or any Thing  
 18 George II. herem contained, shall not extend, or be construed to extend,  
     c 20. to any of the Heads of Colleges or Halls in either of the two  
 Persons ex- Universities of *Oxford* or *Cambridge*, or to the Vice Chancellor  
 cepted. of either of the said Universities, or to the Mayor of the City of  
*Oxford*, or of the Town of *Cambridge*, but that they may  
 be and act as Justices of the Peace of and in the several Coun-  
 ties of *Oxford*, *Berks*, and *Cambridge*, and the Cities and  
 Towns within the same, and execute the Office thereof as fully  
 and freely in all Respects as heretofore they have lawfully used  
 to execute the same, as if this Act had never been made; any  
 thing herein before contained to the contrary notwithstanding.

## No. 16.

24 George II. c. 55.—An Act for amending and making  
 more effectual a Clause in an Act passed in the last  
 Session of Parliament, for the apprehending of  
 Persons in any County or Place upon Warrants  
 granted by Justices of the Peace of any other  
 County or Place.

No. 16. **W**HEREAS by a Clause in an Act made in the twenty-  
 24 George II. third Year of his present Majesty's Reign, it is  
     c 55. among other Things therein enacted, That from and after the  
 23 Geo. 2. c. twenty-fourth Day of *June* one thousand seven hundred and  
 26. § 11. fifty, in case any Person against whom a legal Warrant shall  
 be issued by any Justice or Justices of the Peace, for any  
 County, Riding, Division, City, Liberty, Town, or Place  
 within this Kingdom, shall escape or go into any other  
 County, Riding, Division, City, Liberty, Town or Place  
 out of the Jurisdiction of the Justice or Justices granting such  
 Warrant as aforesaid, it shall and may be lawful for any  
 Justice of the Peace of the County, Riding, Division, City,  
 Liberty, Town or Place to which such Person shall have  
 gone or escaped, to indorse such Warrant, upon Application  
 made to him for that Purpose, and to cause the Person  
 against whom the same shall have been issued, to be appre-  
 hended and sent to the Justice or Justices who granted such  
 Warrant, or to some other Justice or Justices of the County,  
 Riding, Division, City, Liberty, Town or Place from  
 whence such Person shall have gone or escaped, to the end  
 that he or she may be dealt with according to Law: And  
 whereas such Offender or Offenders may reside or be in  
 some other County, Riding, Division, City, Liberty, Town  
 or Place out of the Jurisdiction of the Justice or Justices  
 granting such Warrant as aforesaid, before the granting such  
 Warrant, and without escaping or going out of the County,  
 Riding, Division, City, Liberty, Town or Place after such  
 Warrant granted; Be it therefore enacted by the King's

most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of June one thousand seven hundred fifty-one, in case any Person, against whom a Warrant shall be issued by any Justice or Justices of the Peace of any County, Riding, Division, City, Liberty, Town or Place within this Kingdom, shall escape, go into, reside, or be in any other County, Riding, Division, City, Liberty, Town or Place out of the Jurisdiction of the Justice or Justices granting such Warrant as aforesaid, it shall and may be lawful for any Justice or Justices of the Peace of the County, Riding, Division, City, Liberty, Town, or Place where such Person shall escape, go into, reside, or be, and such Justice or Justices is and are hereby required, upon Proof being made upon Oath, of the Hand Writing of the Justice or Justices granting such Warrant, to indorse his or their Name or Names on such Warrant, which shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all other Persons to whom such Warrant was originally directed, to execute such Warrant in such other County, Riding, Division, City, Liberty, Town, or Place out of the Jurisdiction of the Justice or Justices granting such Warrant as aforesaid, and to apprehend and carry such Offender or Offenders before the Justice who indorsed such Warrant, or some other Justice or Justices of such other County, Riding, Division, City, Liberty, Town, or Place where such Warrant was indorsed, in case the Offence for which such Offender shall be so apprehended in such other County, Riding, Division, City, Liberty, Town, or Place as aforesaid, shall be bailable in Law, and such Offender shall be willing and ready to give Bail for his Appearance at the next Assizes or General Gaol Delivery, or next General Quarter Sessions of the Peace, to be held in and for the County, Riding, Division, City, Liberty, Town, or Place where the Offence was committed, such Justice or Justices of such other County, Riding, Division, City, Liberty, Town, or Place before whom such Offender or Offenders shall be brought, shall and may take Bail of such Offender or Offenders, for his or their Appearance at the next Assizes or General Gaol Delivery, or at the next General Quarter Sessions of the Peace to be held in and for the County, Riding, Division, City, Liberty, Town, or Place where such Offence was committed, in the same Manner as the Justices of the Peace of the proper County, Riding, Division, City, Liberty, Town, or Place should or might have done in such proper County, Riding, Division, City, Liberty, Town, or Place; and the Justice or Justices of such other County, Riding, Division, City, Liberty, Town, or Place so taking Bail as aforesaid, shall deliver the Recognizance, together with the Examination or Confession of such Offender or Offenders, and all other Proceedings relating thereto, to the Constable, Tythingman, or other Person or

No. 16.  
24 George II.  
c. 55.

Person being out of the Jurisdiction of the Justice, who shall grant a Warrant,

the Justice where such Person shall be, to indorse the Warrant,

and the Offender to be apprehended and brought before a Justice where the Warrant was indorsed,

and to deliver the Recognizance, &c. to the Constable, to be delivered over.

No. 16. Persons so apprehending such Offender or Offenders as aforesaid, who are hereby required to receive the same, and to deliver over such Recognizance, Examination, and other Proceedings to the Clerk of Assizes, or Clerk of the Peace of the County, Riding, Division, City, Liberty, Town or Place where such Offender or Offenders is or are required to appear by virtue of such Recognizance; and such Recognizance, Examination, or Confession shall be as good and effectual in Law, to all Intents and Purposes, and of the same Force and Validity as if the same had been entered into, taken, or acknowledged before a Justice or Justices of the Peace in and for the proper County, Riding, Division, City, Liberty, Town or Place where the Offence was committed, and the same Proceedings shall be had thereon; and in case such Constable, Tythingman, or other Person to whom such Recognizance, Examination, Confession, or other Proceedings shall be so delivered as aforesaid, shall refuse or neglect to deliver over the same to the Clerk of Assizes, or Clerk of the Peace of the County, Riding, Division, City, Liberty, Town or Place where such Offender is required to appear by virtue of such Recognizance, such Constable, Tythingman, or other Person shall forfeit the Sum of ten Pounds, to be recovered against him by Bill, Plaint, or Information, in any of his Majesty's Courts at Westminster, by any Person or Persons who will prosecute or sue for the same; wherein no Essoin, Protection, or Wager of Law shall be allowed, or more than one Imparlance; and in case the Offence for which such Offender or Offenders shall be apprehended and taken in any other County, Riding, Division, City, Liberty, Town or Place shall not be bailable in Law, or such Offender or Offenders shall not give Bail for his Appearance at the next Assizes or General Gaol Delivery, or next General Quarter Sessions of the Peace, to be held in and for the County, Riding, Division, City, Liberty, Town, or Place where the Offence was committed, to the Satisfaction of the Justice before whom such Offender or Offenders shall be brought in such other County, Riding, Division, City, Liberty, Town, or Place; then and in that Case the Constable, Tythingman, or other Person or Persons so apprehending such Offender or Offenders shall carry and convey such Offender or Offenders before one of his Majesty's Justices of Peace of the proper County, Riding, Division, City, Liberty, Town, or Place where such Offence was committed, there to be dealt with according to Law.

Penalty on Constable not delivering over.

If Offence be not bailable,

Constable to carry Offenders before some Justice where Offence was committed.

Justice indorsing the Warrant not liable to Action.

II. And it is hereby enacted by the Authority aforesaid, That no Action of Trespass, false Imprisonment, Information, or Indictment, or other Action shall be brought, sued, commenced, or prosecuted by any Person or Persons whatsoever, against the Justice or Justices who shall indorse such Warrant, for or by reason of his or their indorsing such Warrant.

III. Provided nevertheless, That such Person or Persons shall be at Liberty to bring or prosecute his or their Action or Suit against the Justice or Justices who originally granted such

Warrant, in the same Manner as such Person or Persons might have done in case this Act had not been made. No. 16.  
24 George II.

IV. And it is hereby further enacted, That the said Clause in the said recited Act, and every Thing in the said Clause contained, shall from and after the said twenty-fourth Day of June be repealed. c. 55.  
Clause 23  
Geo. 2. c. 26.  
§ 12. repealed.

## No. 17.

26 George II. c. 14.—An Act for the settling and ascertaining the Fees to be taken by Clerks to Justices of the Peace.

‘WHEREAS some Doubts have arisen touching the Fees due to Clerks of Justices of the Peace: And whereas it would tend to the due Execution of the Laws, and to the Ease of the Subject, that the Fees to be taken by the said Clerks should be ascertained;’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Justices of the Peace throughout that Part of Great Britain called England, at their respective General Quarter Sessions of the Peace, to be held next after the twenty-fourth Day of June one thousand seven hundred and fifty-three, shall, and they are hereby required to make and settle a Table of the Fees which shall be taken by Clerks to Justices of the Peace within the County, City, or other Division, for which such respective General Quarter Sessions shall be held; and such respective Tables of Fees being approved by the Justices of the Peace at the next succeeding General Quarter Sessions of the Peace for such County, City or other Division, with such Alterations as such Justices of the Peace so assembled shall think proper, shall be laid before the Judges at the next Assizes, or at the Great Sessions for the Principality of Wales, and Counties Palatine of Chester, Lancaster, and Durham, for the respective County, City, or other Division; and the said Judges are hereby authorized and required to ratify and confirm such respective Tables of Fees, in such Manner and Form as the same shall be made, settled and approved of by the said Justices, or with such Alterations, Additions or Abatements, as to such Judges shall appear to be just and reasonable; and it shall and may be lawful for the said Justices of the Peace, in their respective Quarter Sessions assembled, from Time to Time to make any other Table of Fees to be taken, instead of the Fees contained in the Table which shall have been ratified and confirmed by the Judges of Assize; and after the same shall have been approved by the Justices of the Peace at the next succeeding General Quarter Sessions, in Manner as aforesaid, to lay such new Table of Fees before the Judges at the next Assizes, or at the Great Sessions for the

No. 17.  
26 George II  
c. 14.

Justices to settle a Table of Fees to be taken by their Clerks;

to be ratified by the Judges of Assize.

Justices may make new Tables of Fees;

to be ratified in the same Manner.



No. 17. Principality of *Wales*, and Counties Palatine of *Chester*, *Lancaster*, and *Durham*, who are hereby impowered and authorized to approve and ratify the same in Manner as aforesaid, 16  
 c. 14. they think fit; but no Table of Fees to be made and settled by the said respective Justices of Peace, shall be of any Validity or Effect whatsoever until the same shall be ratified and confirmed by the said Judges.

By 27 Geo. c.  
 16. the Table in  
*Middlesex* is to  
 be ratified by  
 Chief Justices,  
 &c.

Penalty of  
 20l. on Clerks  
 taking other  
 Fees.

II. And be it further enacted by the Authority aforesaid, That if at any Time after the Space of three Calendar Months from the Time that such Table of Fees shall be made and ratified as aforesaid, any Clerk or Clerks to any Justice or Justices of the Peace, or any Person or Persons acting as such, shall, under Pretence of any Matter or Thing done, transacted or performed by such Justice or Justices in the Execution of his or their Office or Offices, or done, transacted or performed by such Person or Persons as Clerk or Clerks to such Justice or Justices, demand or receive any other or greater Fee than shall have been ascertained, ratified and confirmed in Manner as aforesaid, such Person shall for every such Offence forfeit and pay twenty Pounds to any Person who shall sue for the same by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no *Essoin*, Privilege, Protection, Wager of Law, or more than one Imparlance shall be granted or allowed.

Tables of the  
 Fees to be de-  
 posited with the  
 Clerks of the  
 Peace,

and Copies  
 thereof to be  
 placed in the  
 Room where  
 the Sessions are  
 held, under  
 Penalty of 10l.

III. And be it further enacted by the Authority aforesaid, That all the Tables of Fees which shall be made and settled, and ratified and confirmed from Time to Time as aforesaid, shall be deposited with the Clerk of the Peace for the respective County, City or other Division; and each of the said Clerks of the Peace shall cause true and exact written or printed Copies of the said Tables to be placed and to be kept constantly in a conspicuous Part of the Room or Place where the General or Quarter Sessions shall be held; under pain of forfeiting the Sum of ten Pounds for each Offence, to be recovered by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no *Essoin*, Privilege, Protection, Wager of Law, or more than one Imparlance shall be granted or allowed.

Limitations  
 of Actions.

IV. Provided always, and be it further enacted by the Authority aforesaid, That all Suits and Actions which shall be brought or commenced by virtue of this Act, shall be brought before the End of three Months after the Offence committed, and not otherwise.

## No. 18.

26 George II. c. 27.—An Act to confirm certain Acts and Orders made by Justices of the Peace, being of the *Quorum*, notwithstanding any Defect in not expressing therein that such Justices of the Peace are of the *Quorum*.\*

‘**W**HEREAS Authority is given by divers Acts of Parliament to two or more Justices of the Peace, <sup>26</sup> No. 18. George II. c. 27. whereof one or more are to be of the *Quorum*: And whereas divers Acts, Orders, Adjudications, Warrants, Confirmations of Indentures, and other Instruments done, made and executed, by two or more Justices of the Peace, without expressing that they are, or that one of them is, of the *Quorum*, have been, and may be, for that Reason only impeached, set aside and vacated;’ Be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of *June*, in the Year one thousand seven hundred and fifty-three, no Act, Order, Adjudication, Warrant, Indenture of Apprenticeship, or other Instrument already made, done or executed, or hereafter to be made, done or executed, by two or more Justices of the Peace, which doth not express that one or more of the Justices is or are of the *Quorum*, shall be impeached, set aside or vacated for that Defect only; any Law, Statute or Usage to the contrary notwithstanding.

\* By 27 Geo. II. c. 26. the Table of Fees for *Middlesex* is to be confirmed by the two Justices and Chief Baron, or any two of them.

## No. 19.

1 George III. c. 13.—An Act to amend an Act passed in the eighteenth Year of the Reign of King *George* the Second, concerning the Qualification of Justices of the Peace; and for other Purposes therein mentioned.

‘**W**HEREAS by an Act of Parliament made in the eighteenth Year of his late Majesty King *George* the Second, of glorious Memory, intituled, “An Act to amend <sup>20</sup> No. 19. George III. c. 13. 18 Geo. 2. c. 2. See 5 Geo. 2. c. 18. and render more effectual an Act passed in the fifth Year of his present Majesty’s Reign, intituled, “An Act for the further Qualification of Justices of the Peace;” it was enacted, That from and after the twenty-fifth Day of *March* one thousand seven hundred and forty-six, no Person should be capable of being a Justice of the Peace, or of acting as such, for any County, Riding or Division, within that Part of Great Britain called *England*, or the Principality of *Wales*,

No. 19.  
George III.  
c. 13.

who should not have either in Law or Equity, to and for his own Use and Benefit, in Possession, a Freehold, Copyhold, or Customary Estate for Life, or for some greater Estate, or an Estate for some long Term of Years, determinable upon one or more Life or Lives, or for a certain Term, originally created for twenty-one Years, or more, in Lands, Tenements or Hereditaments, lying or being in that Part of Great Britain called England, or the Principality of Wales, of the clear yearly Value of one hundred Pounds, over and above what should satisfy and discharge all Incumbrances that affect the same, and over and above all Rents and Charges, payable out of or in respect of the same, or who should not be seised of or intitled unto, in Law or Equity, to and for his own Use and Benefit, the immediate Reversion or Remainder of and in Lands, Tenements or Hereditaments, lying or being as aforesaid, which were leased for one, two or three Lives, or for any Term of Years determinable upon the Death of one, two or three Lives, upon reserved Rents, and which were of the clear yearly Value of three hundred Pounds; and who should not before he takes upon himself to act as a Justice of Peace, after the said twenty-fifth Day of March, at some General or Quarter Sessions for the County, Riding or Division, for which he did or should intend to act, first take and subscribe the Oath in the said Act mentioned; which Oath so taken and subscribed as aforesaid, should be kept by the Clerk of the Peace for the said County, Riding or Division, for the Time being, among the Records of the Sessions for the said County, Riding or Division: And it was by the said Act further enacted, That from and after the said twenty-fifth Day of March, any Person who should act as a Justice of the Peace for any County, Riding or Division, within that Part of Great Britain called England, or the Principality of Wales, without having taken and subscribed the said Oath as aforesaid, or without being qualified according to the true Intent and Meaning of the said Act, should, for every such Offence, forfeit the Sum of one hundred Pounds, to be recovered with full Costs of Suit, and applied in the Manner in the said Act mentioned: And whereas Doubts have arisen, whether Persons who were Justices of the Peace at the Time of the Demise of his said late Majesty King George the Second, and who have been or shall be constituted Justices of the Peace, by or under any Commission of the Peace granted, or which shall be granted by his present Majesty, can act as Justices of the Peace, and open and hold any General or Quarter Session of the Peace, before they shall have taken and subscribed the said Oath, in Manner and at the Place as by the said in Part recited Act is directed and required, for want of which there may be a Failure of the due Execution of the Laws of this Realm: Now for clearing such Doubts and preventing any Inconveniences that may arise; Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spi-

ritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Persons who were Justices of the Peace at the Time of the Demise of his said late Majesty King George the Second, or who shall be Justices of the Peace at the Time of the Demise of his present Majesty, or any of his Successors, Kings or Queens of this Realm, and shall afterwards be appointed Justices of the Peace, by any Commission granted, or which shall be granted, by his said present Majesty, or which, after his Demise, shall be granted by any of his Successors, Kings or Queens of this Realm, and who shall take the Oaths of Office of a Justice of the Peace for any County, City and County, Town and County, Riding or Division, before the Clerk of the Peace of the respective County, City and County, Town and County, Riding or Division, for which any such Justice or Justices of the Peace shall act, or intend to act, or the Deputy of such respective Clerk of the Peace, and who shall have taken and subscribed at some General or Quarter Session of the Peace the said Oath, by the said herein before in part recited Act of the eighteenth Year of his said late Majesty's Reign, directed and required to be there taken and subscribed, shall and may act as a Justice of the Peace for such County, City and County, Town and County, Riding or Division, without being obliged to take and subscribe again the said Oath, without incurring any Penalty or Forfeiture for the not taking and subscribing thereof; the said herein before in part recited Act, or any other Statute, Law, or Usage to the contrary thereof in any wise notwithstanding: And that all Acts, Matters and Things done or to be done by all and every such Justice and Justices, or by Authority derived, or to be derived, from him or them, are and shall be deemed and taken to all Intents and Purposes to be of the same Force, Effect and Validity, to all Intents and Purposes, as the same respectively would have been, if such Person or Persons had taken and subscribed such Oath, by the said herein before in part recited Act required to be taken and subscribed, at some General or Quarter Session for such County, City and County, Town and County, Riding or Division, for which he or they did or should act, or intend to act.

II. And be it further enacted, by the Authority aforesaid, That from and after the passing of this Act, no Person who hath already taken, or shall hereafter take the Oaths usually taken by a Justice of the Peace under a Writ or Commission of *Dedimus Potestatem*, issued, or which shall be issued, from the Clerk of the Crown, shall be obliged or compellable to sue out or have any other *Dedimus Potestatem* from the said Clerk of the Crown, to authorise any Person or Persons therein to be named to administer again to any such Justice, on any new Commission of the Peace being issued under the Great Seal of Great Britain, for any County, City and County, Town and County, Riding or Division in England or Wales, the Oaths usually annexed to such *Dedimus*, and taken by a Justice of the Peace; but that the Clerk of the Peace, or his Deputy, of every

No. 19.  
George III:  
c. 17.

All who were Justices at the Demise of the late King, or shall be such at the Demise of his present Majesty, &c. and being afterwards in the Commission of the Peace, shall take the Oaths of Office before the Clerk of the Peace;

and those who shall have taken and subscribed at the Quarter Sessions, the Oath required by the recited Act of 18 Geo. 2. may act as Justice, without taking and subscribing again the Oath aforesaid.

Such as have once taken the usual Oaths under a Writ of *Dedimus Potestatem*, are exempted from suing out another Writ for administering again the said Oaths to them as Justices; but upon every new Commission a Roll, with the Oath annexed, is to be prepared,

**No. 19.** County, City and County, Town and County, Riding, or Division in *England* and *Wales*, for which any such Justice of the Peace hath already acted and qualified, or hereafter, before the issuing any such new Commission of the Peace, shall act and qualify himself as before-mentioned, shall, on every such new Commission of the Peace being issued, prepare a Parchment Roll, with the Oaths annexed to, and usually taken under, the said Writ, or Commission of *Dedimus Potestatem*, by Justices of the Peace, ingrossed on such Roll, and shall administer, without Fee or Reward, the Oaths in such Roll specified to every such Justice of the Peace within the respective Counties, Cities and Counties, Towns and Counties, Ridings or Divisions, for which he shall respectively act, or intend to act, and who shall desire to take such Oaths; and that every such Justice of the Peace, after the taking the Oaths contained in the said Roll, shall subscribe his Name on the said Parchment Roll; and the said Roll, with the Oaths so taken and subscribed, shall be kept by the respective Clerks of the Peace of the respective Counties, Cities and Counties, Towns and Counties, Ridings and Divisions in *England* and *Wales*, for the Time being, amongst the Records of the Sessions for the said respective Counties, Cities and Counties, Towns and Counties, Ridings and Divisions.

1 George III. c. 13.  
which all Justices, as they qualify themselves, are to subscribe; and the said Rolls are to be preserved amongst the Records of the Sessions.

#### ■ No. 20.

7 George III. c. 9.—An Act for obviating Doubts which have arisen with respect to so much of an Act made in the first Year of the Reign of his present Majesty, intituled (An Act to amend an Act passed in the eighteenth Year of the Reign of King *George* the Second, concerning the Qualification of Justices of the Peace, and for other Purposes therein mentioned,) as directs the taking of certain Oaths by Justices of the Peace, on the issuing of any new Commission of the Peace.

**No. 20.** **W**HEREAS Doubts have arisen, with respect to the Construction of so much of an Act made the first Year of the Reign of his present Majesty, intituled (An Act to amend an Act passed in the eighteenth Year of the Reign of King *George* the Second, concerning the Qualification of Justices of the Peace, and for other Purposes therein mentioned) as relates to the taking of certain Oaths by Justices of the Peace, on the issuing of new Commissions of the Peace; be it therefore enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Persons who have been, or shall be, appointed Justices of the Peace, by any Commission or Commissions granted, or

Justices not obliged to take and subscribe the Oaths more than once during, &c.

to be granted, by his present Majesty, and have taken and subscribed, or shall take and subscribe, the Oaths mentioned 7 No. 20.  
in the said Act made in the first Year of his present Majesty's George III.  
Reign. I all Persons who shall be appointed c. 9.  
Peace, by any Commission or Commissions, which shall be granted after his Majesty's Demise, by any of his Successors, Kings or Queens of this Realm, and shall have, after the issuing of the first Commission, whereby such Persons shall be appointed Justices of the Peace, in the Reign of any such King or Queen, taken and subscribed the said Oaths, shall not be obliged, during the Reign of his present Majesty, or during any future Reign in which such Oaths shall have been so taken and subscribed as aforesaid, to take and subscribe the same Oaths, for or by reason of such Persons being again appointed Justices of the Peace by any subsequent Commission or Commissions which shall be granted during any such Reign; and shall not incur any Penalty or Forfeiture for the not taking or subscribing the said Oaths.

No. 21.

28 George III. c. 49.—An Act to enable Justices of the Peace to act as such, in certain Cases, out of the Limits of the Counties in which they actually are.

‘**W**HEREAS the Administration of Justice is frequently No. 21  
‘obstructed for Want of resident Justices of the Peace, 28 George III.  
‘and might be much furthered in case the Justices acting for c. 49.  
‘two or more adjoining Counties are enabled to act for the Preamble.  
‘same, if personally present in either of those in which they  
‘act;’ for Remedy whereof, in future, may it please your Majesty that it may be enacted; and be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act it shall and may be lawful for any Justice or Justices of the Peace, Justices may  
acting as such, for any two or more Counties, being adjoining act for two adjoining Counties.  
Counties, to act as a Justice or Justices of the Peace in all  
Matters and Things whatsoever, concerning or in any wise  
relating to any or either of the said Counties, and that all Act  
and Acts of such Justice or Justices of the Peace, and the Act  
and Acts of any Constable or other Officer in Obedience  
thereto, shall be as valid, good, and effectual in the Law, to  
all Intents and Purposes whatsoever, as if such Act or Acts  
of the said Justice or Justices, had been done in the County or  
Counties to which such Act or Acts more particularly relate;  
and all Constables and other Officers of the said County or  
Counties to which such Act or Acts relate, are hereby  
authorised and required to obey the Warrants, Orders, Direc-  
tions, Act and Acts of such Justice or Justices so granted,

No. 21. given and done, and to do and perform their several Offices and Duties, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty: Provided always, That such Justice or Justices be personally resident in one of the said Counties at the Time of doing such Act or Acts: Provided also, that the Warrants, Orders, or Directions so to be given and granted, be directed and given in the first Instance to the Constable or other Officer of the County to which the same more particularly relate.

23 George III  
c. 49

if they reside in  
either, at the  
Time of acting.

Constables,  
&c., may carry  
Offenders be-  
fore Justices  
acting for the  
County, and re-  
sident in the  
adjacent Coun-  
ty, &c.

II. And be it further enacted by the Authority aforesaid, That, from and after the passing of this Act, it shall and may be lawful for any Constable, Tythingman, Headborough, or other Peace Officer, or any other Person or Persons apprehending or taking into Custody any Person or Persons offending against Law, and whom they lawfully may and ought to apprehend and take into Custody by virtue of his or their Office or Offices, or otherwise howsoever, to convey and take the Person or Persons so apprehended or taken into Custody as aforesaid, to any Justice or Justices of the Peace acting for the said County, and resident in such adjoining County as aforesaid; and the said Constables, Tythingmen, Headboroughs, and other Peace Officers, and all and every other Person or Persons are hereby authorised, empowered, and required, in all such Cases, so to act in all Things as if the said Justice or Justices of the Peace was or were resident within the said County to which they respectively belong; and all and every Person or Persons obstructing or hindering the said Constables, Tythingmen, Headboroughs, or other Peace Officers, in the Execution of their respective Offices, in the said County or Counties adjoining as aforesaid, shall be, and are hereby made liable to the same Pains and Penalties, for such Obstruction and Hindrance of the said Officers in the Execution of their respective Offices, as if the same had been committed in the County for which the said Constables, Tythingmen, Headboroughs, or other Peace Officers were appointed to act.

Sheriffs, &c.,  
may convey Of-  
fenders through  
adjoining Coun-  
ties, to the Gaol  
of the County  
where the Of-  
fence was com-  
mitted.

III. And be it further enacted by the Authority aforesaid, That, from and after the passing of this Act, it shall and may be lawful for any Sheriff, or other Person or Persons deputed by him, or acting under his Authority, Constable, Headborough, Tythingman, or other Peace Officer, or any other Person or Persons lawfully taking into, or having in his or their Custody respectively, any Person or Persons offending against Law, and whom he or they may or might lawfully convey to Gaol, or any Place of safe Custody, to convey or take the said Person or Persons so in Custody as aforesaid, into and through any Part or Parts of the said County or Counties so adjoining, in their Way to such Gaol or Place of safe Custody within the County wherein such Offence was done or committed; and all and every Person or Persons escaping from such Custody as aforesaid, or aiding or assisting such Escape or Escapes, or rescuing such Person or Persons so in Custody as aforesaid, shall be subject to the like Pains and Penalties for

such Escape or Escapes, and for such Aid and Assistance so given as aforesaid, and for such Rescue and Rescues, as if the said Escape or Escapes had happened, or such Aid and Assistance had been given, or such Rescue or Rescues made, in the County wherein such Offence was done or committed.

‘ IV. And whereas by an Act passed in the ninth Year of <sup>2</sup> Geo. I. c. 7. the Reign of King George the first, intituled, “ An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor,” Provision is made for enabling Justices of the Peace, dwelling in any City or other Precinct, being a County of itself, situate within a County at large, to act as such Justices for the County at large, at certain Places within such City, Town, or other Precinct: And whereas such Provisions have been found beneficial to the Public, but Doubts have arisen with respect to the Construction of the said Act in certain Cases; for the removing whereof, be it enacted, That, from and after the passing of this Act, it shall and may be lawful for any Justice or Justices of the Peace, acting for any County at large to act as such at any Place within any City, Town, or other Precinct, being a County of itself, and situate within, surrounded by, or adjoining to any such County at large; and that all and every such Act and Acts, Matters and Things, done by such Justice or Justices of the Peace for the said County at large, within such City, Town, or other Precinct, shall be as valid and effectual in the Law, as if the same had been done within the said County at large to all Intents and Purposes whatsoever: Provided always, That nothing in this Act contained shall extend to give Power to the Justices of the Peace for any County at large, not being Justices for such City, Town, or other Precinct, or any Constable or other Officer acting under them, to act or intermeddle in any Matters or Things arising within any such City, Town, or Precinct, in any Manner whatsoever.

No.

George III.  
c. 49.

Justices for  
Counties at  
large may act  
as such within  
any City being  
County of it-  
self, situate  
in or ad-  
joining to such  
County;

but are not to  
act in Matters  
arising within  
such City, if  
they are not  
also Justices  
for the same.

## No. 22.

George III. c. 55. — An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace or Parish Officers, for Neglect of Duty, and on Masters of Apprentices for ill Usage of such their Apprentices; and also to make Provision for the Execution of Warrants of Distress granted by Magistrates.—[21st. June 1793.]

[Inserted ante, Title *Apprentices*.]



## No. 23.

41 George III. c. 85.—An Act for better Payment of Fines and Forfeitures imposed by Justices out of Session, in *England*.—[27th. June, 1801.]

No. 23.  
41 George III.  
c. 85.

Justices in  
England out of  
Session may re-  
ceive and give  
Receipts for  
Fines and For-  
feitures not pay-  
able to any Body  
Corporate, &c.  
or other Person,  
and shall enter  
Accounts there-  
of, and pay the  
Amount annu-  
ally to the Sher-  
iff of the  
County.

**F**OR the better bringing to Account and making Payment of such Share of Fines, Forfeitures, and Penalties due to his Majesty, which are not by Law payable to any particular Persons, Commissioners, or others, levied before Justices or the Peace acting out of Session; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall be lawful for every Justice of the Peace acting out of Session for any County, Riding, City, Borough, Division, or Place, in *England*, to receive all Fines,\* Forfeitures, and Penalties, imposed by him or any other Justice of the Peace as aforesaid, acting out of Sessions, and not made payable to any Body or Bodies Corporate, or any Commissioners of any Publick Boards, or any other Person or Persons, and to give Receipts for the same, which Receipts shall be a sufficient Discharge to the Parties by whom the said Fines shall be payable; and every such Justice shall, by himself or Clerk, keep an Account in a Book, to be provided for that Purpose, of the Amount of every Fine, Forfeiture, or Penalty, which shall have been set or imposed by any Adjudication or Order made by every such Justice, specifying the Place and Time and Manner of such Adjudication or Order, the Nature of the Offence, and the Act or Acts under which the same was adjudged, and the Name or Names of the Person or Persons on whom such Fine, Forfeiture or Penalty was set or imposed; distinguishing whether the same was paid or levied, and what Part or Share thereof, if any, has been or shall be paid or payable to any Body or Bodies Corporate, Commissioners, or Person or Persons, with the Name and Description of such Body or Bodies, Commissioners, Person or Persons, and the Authority under which he, she, or they claimed such Part or Share; and shall annually, previous to the *Michaelmas* Session, pay into the Hands of every Sheriff of the County or City, and Town and County having a separate Sheriff, for which such Justice shall have acted in imposing such Fines; all such Fines, Forfeitures, or Penalties, or the Parts or Shares of such Fines, Forfeitures, or Penalties as shall be due to his Majesty, his Heirs or Successors; and the Sheriff or his Under Sheriff is hereby required to give an Acquittance for the same, which shall be a full Discharge to every such Justice, his Heirs, Executors, and Administrators, for such Fines, Forfeitures, or Penalties, or Parts or Shares thereof.

II. And be it further enacted, That any Justice of the Peace shall, previous to the *Michaelmas* Sess annually transmit to the Clerk of the Peace of the County, City or Town or Clerk of the Town within which such Fine, Forfeiture, or Penalty shall have been imposed, an Account in Writing, stating the several Fines, Forfeitures and Penalties, which have been imposed by him, and shewing which have been received by him, and from whom, and for what Offences; which Account the Clerk of the Peace or Town Clerk shall enter in his *Estreats* with the Names of the Justices, that the Sheriff may be charged with the same in his Apposal before the Foreign Apposer, to the End that the same may be set over and answered to the Crown, in like Manner as in the Case of Fines and Forfeitures set or imposed at any Session of the Peace.

No. 23.

41 George III.  
c. 85.

The Justices shall also transmit Accounts of such Fines and Forfeitures to the Clerk of the Peace, &c. that the Sheriff may be charged therewith, &c.

III. And be it further enacted, That as often as two or more Justices shall act together in setting or imposing any Fine, Forfeiture, or Penalty, then the said Account shall be kept, and a Copy of it shall be delivered or transmitted, and the Payment as aforesaid shall be made by such one of the said two or more Justices, as shall reside at or near the Place where such Adjudication or Order was made, or at or nearest the Place where such General Quarter Sessions shall be held.

Where two Justices shall impose Fines, Account shall be kept, &c. and Payment made by the Resident Justice.

IV. And be it further enacted, That the said several Clerks of the Peace or Town Clerks, or their Deputies, shall, within ten Days next after any such General Quarter Sessions of the Peace in which such Justice shall have returned any Conviction as aforesaid, deliver to the Bailiff or Chief Constable of the District where any Person shall reside who shall by Law be entitled to any Share or Proportion of any Fines, Forfeitures, or Penalties which shall have been had and received by any such Justice as aforesaid, an Account in Writing of such Fines, Forfeitures, and Penalties; which Bailiff or Chief Constable shall transmit an Account thereof to the Petty Constable of the Parish, Township, or Place where such Person shall reside, that Notice may be given to the Person so entitled, that he may, without Delay, apply to such Justice for his Share of such Fine, Forfeiture, or Penalty.

Constables or receiving Accounts of such Fines from Clerk of the Peace shall give Notice to the Persons entitled thereto.

V. Provided always, That nothing in this Act shall be construed to extend to prevent the Officers of the Crown from allowing any Fines, Forfeitures, or Penalties, levied by Justices of the Peace for Justices' Wages, in the same Manner as other Fines are now allowed by Law; and provided also, that it shall be lawful for Sheriffs, or any other Persons empowered to allow the same, to have an Allowance of the same Poundage on the Balance of such Fines charged on them after an Allowance for Justices' Wages, in like Manner as for Fines at the Assizes.

Act shall not prevent Officers of the Crown from allowing Fines as heretofore, &c.

VI. And be it further enacted, That nothing herein contained shall be construed to prevent the Payment to the Receiver of Fines, Penalties, and Forfeitures, by the Justices or their Clerks, in any of the seven Public Offices appointed

Nor to the Payment of Fines in any of the seven Public Offices,

- No. 23. by virtue of an Act, passed in the thirty-second Year of  
 41 George III his present Majesty's Reign, intituled, "An Act for the  
     c 85 more effectual Administration of the Office of a Justice of  
 under 32 G. 3. the Peace, in such Parts of the Countres of *Middlesex* and  
     c. 53. *Surrey*, as lie in and near the Metropolis, and for the more  
     effectual Prevention of Felonies."

## PART VI. CLASS XXIV.

### LORD'S DAY

#### No. 1.

1 Elizabeth, c. 2. — An Act for the Uniformity of Common Prayer and Service in the Church, and Administration of the Sacraments.\*

B.

AND that from and after the said Feast of the Nativity of St. John Baptist next coming, all and every Person and Persons inhabiting within this Realm, or any other the Queen's Majesty's Dominions, shall diligently and lawfully, having no lawful or reasonable Excuse to be absent, shew themselves to resort to their Parish Church or Chapel accustomed, or upon reasonable Let thereof, to some other Place where Common Prayer and such Service of God may be used in such Time as Let, upon every Sunday, and other Days ordained and used to be kept as Holy Days, and then and there to abide orderly and soberly during the Time of the Common Prayer, Preaching, or other Service of God there to be used and ministered: (1) upon Pain of Punishment by the Censures of the Church, and also upon Pain that every Person so offending shall forfeit for every such Offence twelve Pence, to be levied by the Churchwardens of the Parish where such Offence shall be done, to the Use of the Poor of the same Parish, of the Goods, Lands and Tenements of such Offender, by Way of Distress.

No. 1.

1 Elizabeth, c. 2.

Every Person shall resort to the Church upon the Holy Days.

One Justice may convict the Offender, by 1 Stat. 1. c. 4. § 27.

The Forfeiture for not coming to Church.

\* For the General Contents of this Statute, see Part V.

#### No. 2.

3 James I. c. 4. — An Act for the better discovering and repressing of Popish Recusants.

B.

XXVII. AND be it further enacted, That if any Subject of this Realm, at any Time after one Month next after the End of this present Session of Parliament, shall not resort or repair every Sunday to some Church, Chapel, or some other usual Place appointed for Common Prayer, and there hear Divine Service according to the Statute made in that Behalf, in the first Year of the Reign of the late Queen Eliza-

No. 2.

3 James I. c.

1 Eliz. c. 2.

No. 2. *beth*, that then it shall and may be lawful to and for any one  
 3 James I. c. 4. Justice of Peace of that Limit, Division or Liberty, wherein  
 the said Party shall dwell, upon Proof unto him made of such  
 Default by Confession of the Party or Oath of Witness, to call  
 the said Party before him; and if he or she shall not make a  
 sufficient Excuse and due Proof thereof, to the Satisfaction of  
 the said Justice of Peace, that it shall be lawful for the said  
 Justice of Peace to give Warrant to the Churchwarden of the  
 said Parish wherein the said Party shall dwell, under his Hand  
 and Seal, to levy Twelvepence for every such Default by Dis-  
 tress and Sale of the Goods of every such Offender, rendring  
 to the said Offender the Overplus of the Money raised of the said  
 Goods so to be sold: And that in Default of such Distress, it shall  
 and may be lawful for the said Justice of Peace to commit  
 every such Offender to some Prison within the said Shire, Di-  
 vision, Limit, or Liberty, wherein such Offender shall be  
 inhabiting, until Payment be made of the said Sum or Sums so  
 to be forfeited; which Forfeiture shall be employed to and for  
 the Use of the Poor of that Parish wherein the Offender shall  
 be resident or abiding at the Time of such Offence committed.

Forfeiture for  
not repairing to  
Church weekly.

XXVIII. Provided, That no Man be impeached upon this  
 Clause, except he be called in question for his said Default  
 within one Month next after the said Default made.

### No. 3.

1 Charles I. c. 1.—An Act for punishing divers Abuses  
 committed on the Lord's Day, called *Sunday*.

No. 3.  
21 James I. c. 1.

**F**ORASMUCH as there is nothing more acceptable to God  
 than the true and sincere Service and Worship of him  
 according to his holy Will, and that the holy keeping of the  
 Lord's Day is a principal Part of the true Service of God,  
 which in very many Places of this Realm hath been and now  
 is profaned and neglected by a disorderly Sort of People in  
 exercising and frequenting Bear-baiting, Bull-baiting, Inter-  
 ludes, Common Plays, and other unlawful Exercises and Pas-  
 times upon the Lord's Day; and for that many Quarrel-  
 Bloodsheds, and other great Inconveniencies have grown by  
 the Resort and Concourse of People going out of their own  
 Parishes to such disordered and unlawful Exercises and Pas-  
 times, neglecting Divine Service both in their own Parishes  
 and elsewhere; (2) Be it enacted by the King's most excel-  
 lent Majesty, the Lords Spiritual and Temporal, and the Com-  
 mons, in this present Parliament assembled, and by the Au-  
 thority of the same, That from and after forty Days next after  
 the End of this Session of Parliament, there shall be no Meet-  
 ings, Assemblies, or Concourses of People out of their own Pa-  
 rishes on the Lord's Day, within this Realm of *England* or any  
 the Dominions thereof, for any Sports and Pastimes whatsoever  
 (3) nor any Bear-baiting, Bull-baiting, Interludes, Common

There shall  
be no Assem-  
blies for unlaw-  
ful Pastimes  
upon the Lord's  
Day.

Unlawful  
Meetings and  
Pastimes on the  
Lord's Day  
forbidden.

Plays, or other unlawful Exercises and Pastimes, used by any Person or Persons within their own Parishes: (4) and that every Person or Persons offending in any the Premises, shall forfeit for every Offence three Shillings four-pence, the same to be employed and converted to the Use of the Poor of the Parish where such Offence shall be committed; (5) and that any one Justice of the Peace of the County, or the Chief Officer or Officers of any City, Borough or Town Corporate, where such Offence shall be committed, upon his or their View or Confession of the Party, or Proof of any one or more Witness by Oath, which the said Justice or Chief Officer or Officers shall by Virtue of this Act have Authority to minister, shall and any Person offending in the Premises, the said Justice or Chief Officer or Officers shall give Warrant under his or their Hand and Seal, to the Constables and Churchwardens of the Parish or Parishes where such Offence shall be committed, to levy the said Penalty so to be assessed, by way of Distress and Sale of the Goods of every such Offender, rendering to the said Offender the Overplus of the Money raised of the said Goods so to be sold; and in Default of such Distress that the Party offending be set publicly in the stocks by the Space of three Hours; (6) and that if any Man be sued or impeached for Execution of this Law, he shall and may plead the General Issue, and give the said Matter of Justification in Evidence: (7) Provided, That no Man be impeached by this Act except he be called in question within One Month next after the said Offence committed: (8) Provided also, that the Ecclesiastical Jurisdiction within this Realm or any the Dominions thereof, by virtue of this Act or any Thing therein contained, shall not be abridged, but that the Ecclesiastical Court may punish the said Offences as if this Act had not been made. (9) This Act to continue until the End of the first Session of the next Parliament and no longer. [3 Car. 1. c. 4. continued until the End of the first Session of the next Parliament, and farther continued by 16 Car. 1. c. 4. and enforced by 29 Car. 2. c. 7.]

No. 3.

1 Charles 1.  
c. 1.

Every Person using any unlawful Pastimes on the Lord's Day shall forfeit 3s. 4d. to the Poor of the Parish.

After Conviction by Warrant from a Justice, &c. the Constables, &c. may levy the Penalty, &c.

General Issue.

Limitation of the Action.

The Ecclesiastical Jurisdiction not abridged.

## No. 4.

3 Charles I. c. 1.—An Act for the further Reformation of sundry Abuses committed on the Lord's Day, commonly called *Sunday*.

**F**ORASMUCH as the Lord's Day, commonly called *Sunday*, is much broken and profaned by Carriers, Waggoners, Carters, Wain-men, Butchers, and Drivers of Cattle, to the great Dishonour of God, and Reproach of Religion; be it therefore enacted by the King's most Excellent Majesty, and Lords Spiritual and Temporal, and by the Commons, in this present Parliament assembled, and by the Authority of the same, That no Carrier with any Horse or Horses, nor Waggon-men with any Waggon or Waggon, shall

No. 4.

3 Charles 1.  
c. 1.

A Carrier, &c. that travels on the Lord's Day shall forfeit 20s.

No. 4. nor Carman with any Cart or Carts, nor Wainman with any  
 3 Charles I. Wain or Wains, nor Drovers with any Cattle, shall, after  
 c. 1. Forty Days next after the End of this present Session of Par-  
 . . . liament, by themselves, or any other, travel upon the said  
 Day, upon Pain that every Person and Persons so offending  
 shall lose and forfeit twenty Shillings for every such Offence:

Butchers that  
 sell or kill Vic-  
 tual upon that  
 Day shall forfeit  
 6s. 8d.

or if any Butcher, by himself or any other for him, by his  
 Privy or Consent, shall, after the End of the said Forty  
 Days, kill or sell any Victual upon the said Day, that then  
 every such Butcher shall forfeit and lose for every such Offence  
 the Sum of Six Shillings and Eight-pences (1.) the said Offences,  
 and every of them, being done in View of any Justice of  
 Peace, Mayor, or other Head Officer, of any City or Town  
 Corporate within their Limits respectively, or being proved  
 upon Oath by two or more Witnesses, or by the Confession of  
 the Party offending, before any such Justice, Mayor, or Head  
 Officer, within their several Limits respectively, wherein  
 such Offence shall be committed. To which End, every such  
 Justice, Mayor, or Head Officer, shall have Power by this  
 Act to administer an Oath to such Witness or Witnesses: All  
 which Sums or Penalties shall or may be levied by any  
 Constable or Churchwarden, by Warrant from any such Justice  
 or Justices of the Peace, Mayor, or other Head Officer, as  
 aforesaid, within their several Limits where such Offence  
 shall be committed or done, by Distress and Sale of the Offender's  
 Goods, rendering to the Party the Overplus, or shall be  
 recovered by any Person or Persons that will sue for the same,  
 by Bill, Plaint, or Information, in any of his Majesty's Courts  
 of Record, in any City or Town Corporate, before his  
 Majesty's Justices of the Peace in their General Sessions of the  
 Peace: All which Forfeitures shall be employed to and for  
 the Use of the Poor of the Parishes where the said Offence shall  
 be committed or done, saving only that it shall be lawful to and  
 for any such Justice, Mayor, or Head Officer, out of the  
 said Forfeitures, to reward any such Person or Persons that  
 shall inform or otherwise prosecute any Person or Persons  
 offending against this present Act, according to their Discre-  
 tions, so that such Reward exceed not the third Part of the  
 Forfeiture: Provided that such Bill, Plaint, or Information,  
 shall be commenced, sued, and prosecuted, in the County,  
 City, or Town Corporate, where such Offence shall be com-  
 mitted and done, and not elsewhere; wherein no Essoin,  
 Protection, or Wager of Law shall be allowed to the Defen-  
 dant: Provided always, That it shall be lawful for any Con-  
 stable or Churchwarden, that shall have any Suit or Action  
 brought against them for any Distress by them or any of  
 them to be taken by Force of this present Act, to plead the  
 General Issue, and to give the Special Matter in Evidence:  
 Provided likewise, That no Person or Persons whatsoever

After Con-  
 viction, and by  
 Warrant from a  
 Justice, &c. the  
 Constables, &c.  
 may levy the  
 said Forfeitures  
 to the Use of the  
 Poor, or they  
 may be recover-  
 ed by Suit.

(1.) An Indictment against a Butcher for selling Meat on a Sunday, must  
 conclude contra Formam Statuti: Rex v. Brotherton, 1 Str. 702.

shall be impeached by this Act, unless he be thereof questioned within six Months after the Offence committed: Provided further, That this Act shall not in any Sort abridge or take away the Authority of the Courts Ecclesiastical. This Act to continue to the End of the first Session of the next Parliament. [Enforced by 29 Car. 2. c. 7. and see further 10 & 11 W. 3. c. 24. sect. 1 & 2.]

No. 4.  
Charles I.  
c. 1.

## No. 5.

29 Charles II. c. 7. ~~An~~ An Act for the better Observation of the Lord's Day, commonly called *Sunday*.

FOR the better Observation and keeping Holy the Lord's Day, commonly called *Sunday*, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, That all the Laws enacted and in Force concerning the Observation of the Lord's Day, and repairing to the Church thereon, be carefully put in Execution, and that all and every Person and Persons whatsoever, shall on every Lord's Day apply themselves to the Observation of the same, by exercising themselves thereon in the Duties of Piety and true Religion, publicly and privately; and that no Tradesman, Artificer, Workman, Labourer or other Person whatsoever, shall do or exercise any worldly Labour, Business or Work of their ordinary Callings (1.) upon the Lord's Day, or any Part thereof (Works of Necessity (2.) and Charity only excepted;) and that every Person being of the Age of fourteen Years or upwards, offending in the Premises, shall for every such Offence forfeit the Sum of five Shillings; (3.) and that no Person or Persons whatsoever, shall publicly cry, shew forth, or expose to Sale, any Wares, Merchandizes, Fruit, Herbs, Goods or Chat-

No. 5.  
Charles II.  
c. 7.

Tradesmen,  
Artificers, and  
Labourers.

None shall  
cry or expose to  
Sale Wares.

(1.) In *Diury v. Defontaine*, 1 Taunt 131, it was ruled that a sale of a Horse on a Sunday was not void, such sale not being within the ordinary Calling of the Plaintiff or his Agent: but *Mansfield C. J.* intimated an Opinion, that if it had been such ordinary Calling the Contract would have been void.

(2.) The baking Provisions for Customers is within this Exception, and (come sensible) within the Exception in Section 3, as to Cooks Shops. *R. v. Cox*, 2 Bur. 787. *R. v. Younger*, 5 T. R. 449. But baking Rolls on a Sunday is within the Act: *Crepps v. Durden*, Cowp 641; and by 34 Geo. III. c. 61, no Baker in the City of London, or within twelve Miles thereof, shall make, bake, or expose to Sale, any Bread or Rolls, or bake any meat Puddings, Pies, or Tarts; or in any other Manner exercise the Trade of a Baker on the Lord's Day, on Pain of forfeiting 10s., and for Want of Districts, to be committed to the House of Correction for seven Days: provided, that the Act shall not extend to prohibit the selling of Bread, or baking meat Puddings or Pies, between nine in the Forenoon and one in the Afternoon, so as the Person requiring the Baking thereof carry or send the same to and from the Place where baked.

(3.) The Penalty can only be incurred once on the same Day: *Crepps v. Durden*, Cowp 640.



No. 5. tells whatsoever, upon the Lord's Day, or any Part thereof, upon  
 29 Charles II. pain that every Person so offending shall forfeit the same Goods  
 c. 7. so cried or shewed forth, or exposed to Sale.

Drovers,  
 Horse Coursers,  
 Waggoners,  
 Butchers, and  
 Higlers, Boats,  
 and Barges.

II. And it is further enacted, That no Drover, Horse-courser, Waggoner, Butcher, Higler, their or any of their Servants, shall travel or come into his or their Inn or Lodging upon the Lord's Day or any Part thereof, upon Pain that each and every such Offender shall forfeit twenty Shillings for every such Offence; and that no Person or Persons shall use, employ or travel upon the Lord's Day with any Boat, (4) Wherry, Lighter or Barge, except it be upon extraordinary Occasion, to be allowed by some Justice of the Peace of the County, or Head Officer, or some Justice of the Peace of the City, Borough, or Town Corporate, where the Fact shall be committed; upon pain that every Person so offending shall forfeit and lose the Sum of five Shillings for every such Offence. And that if any Person offending in any of the Premises shall be thereof convicted before any Justice of the Peace of the County, or the Chief Officer or Officers, or any Justice of the Peace of or within any City, Borough or Town Corporate, where the said Offences shall be committed, upon his or their View, or Confession of the Party, or Proof of any one or more Witnesses by Oath (which the said Justices, Chief Officer or Officers is by this Act authorized to administer) the said Justice or Chief Officer or Officers shall give Warrant under his or their Hand and Seal, to the Constables or Churchwardens of the Parish or Parishes where such Offence shall be committed, to seize the said Goods cried, shewed forth or put to Sale as aforesaid, and to sell the same, and to levy the said other Forfeitures or Penalties, by way of Distress and Sale of the Goods of every such Offender distrained, rendering to the said Offenders the Overplus of the Monies raised thereby; and in default of such Distress, or in case of Insufficiency or Inability of the said Offender to pay the said Forfeitures or Penalties, that then the Party offending be set publicly in the Stocks by the Space of two Hours. And all and singular the Forfeitures or Penalties aforesaid shall be employed and converted to the Use of the Poor of the Parish where the said Offences shall be committed, saving only that it shall and may be lawful to and for any such Justice, Mayor or Head Officer or Officers, out of the said Forfeitures or Penalties to reward any Person or Persons that shall inform of any Offence against this Act, according to their Discretions, so as such Reward exceed not the third Part of the Forfeitures or Penalties.

In what Man-  
 ner the Convic-  
 tion shall be.

The Penalty  
 how to be le-  
 vied.

In case of In-  
 sufficiency, the  
 Offender shall  
 be set in the  
 Stocks.

The Forfei-  
 tures how to be  
 disposed of.

A Provision  
 for private Fa-  
 milies, Victua-  
 ling-houses, &c.

III. Provided, that nothing in this Act contained shall extend to the Prohibiting of Dressing of Meat in Families, or Dressing or Selling of Meat in Inns, Cooks Shops, or Victualing-houses, for such as otherwise cannot be provided, nor to the crying or selling of Milk before nine of the Clock in the Morning or after four of the Clock in the Afternoon.

(4.) By 11 and 12 W. c. 24, s. 13, forty Watermen may ply on the Thames, between Vauxhall and Limehouse.

IV. Provided also, That no Person or Persons shall be impeached, prosecuted or molested for any Offence before-mentioned in this Act, unless he or they be prosecuted for the same within ten Days after the Offence committed. (5.)

V. Provided, and be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever which shall travel upon the Lord's Day shall be then robbed, That no Hundred or the Inhabitants thereof shall be charged with or answerable for any Robbery so committed, but the Person or Persons so robbed shall be barred from bringing any Action for the said Robbery; any Law to the contrary notwithstanding: Nevertheless, the Inhabitants of the Counties and Hundreds (after Notice of any such Robbery to them or some of them given, or after Hue and Cry for the same to be brought) shall make or cause to be made fresh Suit and Pursuit after the Offenders, with Horsemen and Footmen, according to the Statute made in the twenty-seventh Year of the Reign of Queen Elizabeth, upon Pain of forfeiting to the King's Majesty, his Heirs and Successors, as much Money as might have been recovered against the Hundred by the Party robbed if this Law had not been made.

VI. Provided also, that no Person or Persons upon the Lord's Day shall serve or execute, or cause to be served or executed, any Writ, Process, Warrant, Order, Judgement or Decree, (except in Cases of Treason, Felony or Breach of the Peace) but that the Service of every such Writ, Process, Warrant, Order, Judgement, or Decree shall be void to all Intents and Purposes whatsoever: And the Person or Persons so serving or executing the same, shall be as liable to the Suit of the Party grieved, and to answer Damages to him for doing thereof, as if he or they had done the same without any Writ, Process, Warrant, Order, Judgement or Decree at all. (6)

(5) By 10 and 11 W. III. c. 24, s. 14, Mackerel may be sold before or after Divine Service.

(6) The following Note upon this Subject was subjoined by the Editor to the Case of *Wilson v. Tucker*, 1 Salk 78, in the sixth Edition of that Work. The Addition in Brackets contains the Cases since decided:

"Before the Statute, ministerial Acts upon a Sunday were lawful. 9 Co. 660, 2 Cro. 280, 2 Bul. 72. A Defendant arrested on another Day and escaping, may be retaken on a Sunday; Mod. Ca. 331. So a Person may be taken on an escape Warrant; *Parker v. Moor*, 2 Salk. 626; but not after a voluntary Escape; *Featherstonehaugh v. Atkinson*, Barn. 373: nor a Person arrested and liberated, there being, at the Time of the Liberation, a Detainer at the Suit of another Person; *Atkinson v. Jameson*, 5 T. R. 25. Bail may seize their Principal; Mod. Ca. 231: but not Sheriff's Bail; *Brookes v. Warren*, 2 Bl. Rep. 1273. A Person may be arrested on a Sunday on the Lord Chancellor's Warrant, on an Order of Commitment for a Contempt; 1 Atk. 55. not upon an Attachment for Nonperformance of an Award; Dut. 1. T. R. 265. A Person convicted by Justices on a penal Statute, cannot be apprehended on a Sunday for Want of Distress; *Rex v. Myers*, 1 T. R. 265." [A Rule Nisi, for an Attachment for Nonpayment of Money, cannot be served on a Sunday; *McClellan v. Smith*, 8 T. R. 86. Service of Notice of Plea, filed on a Sunday, is void; *Roberts v. Makhouse*, 8 East, 547. A Writ returnable on a Sunday, must be executed, at latest, on the Saturday; *Leveridge v. Plaistow*, 2 H. B. 29. The Service of any Process on Sunday is absolutely void, and cannot be made good by any subsequent Waiver; *Taylor v. Phillips*, 3 E. 155.]

## PART VI. CLASS XXV.

### LUNATICS.

#### No. 1.

17 George II. c. 5. — An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction.

[See post. Title *Vagrants*. — Sections 20 and 21 relate to the Confinement of Persons furiously mad.]

#### No. 2.

14 George III. c. 49. — An Act for regulating Mad-houses.

No. 2.  
14 George III.  
c. 49.

If any Person  
conceal more  
than one Lunatic  
without Licence,  
he forfeits  
his good.

‘WHEREAS many great and dangerous Abuses frequently arise from the present State of Houses kept for the Reception of Lunatics, for want of Regulations with respect to the Persons keeping such Houses, the Admission of Patients into them, and the Visitation by proper Persons of the said Houses and Patients: And whereas the Law, as it now stands, is insufficient for preventing or discovering such Abuses;’ may it therefore please your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twentieth Day of November, one thousand seven hundred and seventy-four, if any Person or Persons, in that Part of Great Britain called England, the Dominion of Wales, or Town of Berwick upon Tweed, shall, upon any Pretence whatsoever, conceal, harbour, entertain, or confine, in any House or Place, kept for the Reception of Lunatics, more than one

Lunatic at any one Time, without having such Licence for that Purpose, as is herein-after directed (except such Lunatics as are committed by the Lord High Chancellor of *Great Britain*, or Lord Keeper, or Commissioners for the Custody of the Great Seal for the Time being), every such Person shall, for every such Offence, forfeit and pay the Sum of five hundred Pounds.

II. And, in order that proper Persons may be appointed for visiting such Houses as shall be licensed and kept for the Reception of Lunatics, within the Cities of *London* and *Westminster*, and within seven Miles of the same, and within the County of *Middlesex*, be it further enacted by the Authority aforesaid, That the President and Fellows of the Royal College of Physicians in *London* for the Time being, at a General Meeting of the said College, to be held upon the last Day of September, or if that Day falls upon Sunday then upon the first Day of October, in every Year, shall elect five Fellows of the said College for granting such Licences as aforesaid, within the said Cities of *London* and *Westminster*, and within seven Miles of the same, and within the said County of *Middlesex*, according to the Directions of this Act; and the said five Fellows, so elected, shall be, and are hereby declared to be, Commissioners for granting such Licences within the Limits aforesaid, for the Year then next ensuing, provided that two, at least, of the said Fellows, to be so elected, shall be Persons who have not acted as Commissioners for the preceding Year; and that no Person whatsoever shall be capable of being elected, or of acting as a Commissioner, for more than three Years successively.

No. 2.  
George III.  
c. 49.  
College of Physicians, yearly, may elect five Fellows for granting Licences, &c.

III. And be it further enacted, That in case, at any Time of Election, there shall not be found a sufficient Number of Fellows qualified or willing to act as Commissioners, the said President and Fellows are hereby required, upon every such Deficiency, to elect one or more from among the Licentiates to supply the same.

IV. And be it further enacted by the Authority aforesaid, That as often as any of the Commissioners, to be elected as aforesaid, shall die, or refuse to act, the said President is hereby required to call a Meeting of the said Fellows, within fourteen Days next after such Death or Refusal shall be known to the said President, in order to elect a Commissioner in the Room of every Commissioner who shall so die, or refuse to act, and every Commissioner, so to be elected, shall be, and is hereby vested with the same Power and Authority, in all Respects whatsoever, as the Commissioner in whose Place he shall be chosen was vested with.

In case of Death, &c. President to call Meeting for Election of another.

V. And be it further enacted, That every Person who shall be elected a Commissioner to act within the Cities of *London* and *Westminster*, and within seven Miles of the same, and within the County of *Middlesex*, as aforesaid, shall, within ten Days after such Election, take the following Oath; (that is to say)

Commissioner to take following Oath.

No. 2.  
14 George III  
c. 49.

**I** *A. B.* do swear, That I will faithfully and impartially execute all the Trusts committed unto me, by virtue of an Act of Parliament, made in the fourteenth Year of the Reign of King *George* the Third, intituled, "An Act for regulating Madhouses;" and that I will not, directly or indirectly, give Notice, or cause Notice to be given to the Keeper, or Person having the Care of any House or Place licensed for the Reception of Lunatics, of the Time of Visitation of such House or Place.  
' So help me God.'

Commissioners not attending, or refusing to take the Oath, forfeit  $\text{£}5$ .

Which Oath it shall and may be lawful for the President of the College of Physicians for the Time being to administer to every such Commissioner, so to be elected as aforesaid, upon the Day he shall be so elected, or within ten Days afterwards: And in case any Person who shall be elected a Commissioner as aforesaid, and who shall be summoned by the President of the said College to attend the said President to take the said Oath, at such Time as shall be mentioned in such Summons, shall refuse or neglect to attend, or attending, shall refuse to take the said Oath, he shall forfeit and pay the Sum of five Pounds, to be applied to the Use of the said College.

Meetings to be in the College Hall, &c.

VI. And be it further enacted by the Authority aforesaid, That the said Commissioners, so to be elected as aforesaid, or any three or more of them, shall meet in the Hall, or some other convenient Place in the said College, as often as they shall think fit, so as such Meetings do not interfere with the Meetings of the Board of Censors, nor with any other General Meeting of the College of Physicians; and that at all Meetings of the said Commissioners to be holden for the Purposes of this Act, the Commissioner who is of the longest Standing in the College shall be the Chairman.

Treasurer of the College to be Treasurer for the Purposes of this Act.

VII. And be it further enacted, That the Treasurer of the said College for the Time being shall be the Treasurer for the Purposes of this Act; and that the said Commissioners, or any three or more of them, shall, at some Meeting, to be holden within fourteen Days next after they shall be elected as aforesaid, chuse and appoint a proper Person to be their Secretary for the Year then ensuing; and such Secretary shall be paid such Salary or Gratuity, for his Trouble and Attendance in the Execution of his Office, by the said Treasurer, as the said Commissioners, or any three or more of them, shall order and direct; and every such Secretary shall, at the next Meeting of the said Commissioners after he shall be so appointed, take the following Oath:

Secretary to be appointed; who shall take the Oath.

**I** *A. B.* do swear, that I will faithfully execute all such Trusts as shall be committed to my Charge, as Secretary to the Commissioners for executing an Act of Parliament, made in the fourteenth Year of the Reign of King *George* the Third, intituled, "An Act for regulating Madhouses;" and that I will keep secret all such Matters as shall come to my

‘ Knowledge, in the Execution of my Office (except when  
‘ required to divulge the same by legal Authority).’ No. 2.  
14 George III. c. 49.  
‘ So help me God.’

VIII. And be it further enacted, That the said Commis- Time of the  
sioners, or any three or more of them, shall meet annually on Commissioners  
the third *Wednesday* in the Month of *October*, or within ten an annual Meet-  
Days afterwards, in order to grant Licences to Persons for ing for granting  
keeping Houses for the Reception of Lunatics for one Year, Licences.  
from the twentieth Day of *November* then next ensuing, within  
the said Cities of *London* and *Westminster*, and within seven  
Miles of the same, and within the said County of *Middlesex*;  
but Notice of the Place, and of the Day and Hour of every  
Meeting for granting such Licences, shall always be published  
three several Times in the *London Gazette*, before the Day of  
Meeting for granting any such Licences (which Licences they  
are hereby required to grant to all Persons who shall desire the  
same); and all Licences to be granted by the said Commis-  
sioners shall be duly stamped with a five Shillings Stamp, and shall  
be under the Hands and Seals of three or more of the said Com- Licences to  
missioners, for each of which Licences there shall be paid to the be stamped.  
said Secretary, by the Person applying to take out the same,  
the Sums following; (that is to say), For each and every House  
wherein there shall be kept any Number of Lunatics, not ex-  
ceeding ten, the Sum of ten Pounds; and for each and every  
House wherein there shall be kept above ten, the Sum of fif-  
teen Pounds, and no more, over and above what shall have  
been paid for the said Stamp: which Money shall be paid over  
by the said Secretary to the said Treasurer; and the further  
Sum of six Shillings and eight-pence, and no more, shall be  
paid on every such Licence to the said Secretary for his Fee.

IX. Provided always, That no one Licence shall autho-  
rize any Person or Persons to keep more Houses than one for  
the Reception of Lunatics; nor shall any Licence, to be grant-  
ed by virtue of this Act, continue in Force for any longer Time  
than for one Year.

X. And be it further enacted by the Authority aforesaid, No Commis-  
That no Commissioner to be appointed as aforesaid, shall, sioner to keep  
directly or indirectly, during the Time he shall be a Commis- any House for  
sioner, be interested in keeping any House for the Reception of Lunatics, &c.  
Lunatics, upon Pain of forfeiting, for such Offence, the Sum  
of fifty Pounds.

XI. And be it further enacted, That the President of the  
the said College of Physicians for the Time being shall, and is  
hereby required to cause Summons to be sent to the said sever-  
al Commissioners, requiring them to attend at the first Meeting  
after they shall be appointed Commissioners as aforesaid; all  
which Summons shall be sent by the Beadle, or such other  
Person belonging to the said College, as the said President  
shall think proper; and shall be left at the respective Houses,  
or usual Places of Abode, of each Commissioner.

President to  
summon Com-  
missioners At-  
tendance for the  
first Meeting.

No. 2.  
14 George III.  
c. 49

Two Com-  
missioners may  
call a Meeting.

Chairman  
casting Vote.

Commis-  
sioners to visit  
Houses.

At such Visi-  
tation to make  
Minutes, &c.

Refusing Ad-  
mittance, to  
forfeit Licence.

XII. Provided nevertheless, That in case any two Commissioners shall, at any Time or Times, think proper to call a Meeting of the said Commissioners, such two Commissioners may themselves cause the like Notice to be given, and to be sent, in Manner aforesaid, to the other Commissioners, requiring their Attendance at such Time and Place as shall be expressed in such Notice.

XIII. Provided always, That at all Meetings of the said Commissioners in the Execution of this Act, in case of an Equality of Votes, the Chairman shall have the casting Vote.

XIV. And be it further enacted, That the said Commissioners, or any three or more of them, either by themselves or with their Secretary, as they shall think fit, shall, and they are hereby required, once at least in every Year, and whenever required by the Lord High Chancellor, or Lord Keeper, or Commissioners for the Custody of the Great Seal, or by the Lord Chief Justice of the Court of King's Bench, or by the Lord Chief Justice of the Court of Common Pleas for the Time being, to visit and inspect all such Houses as shall have been licenced by them, as aforesaid, between the Hours of eight and five in the Day-time; and may, in like Manner, at any other Time or Times, within the Hours aforesaid, visit and inspect all such Houses as often as they, or any three or more of them, shall think necessary, and shall have, at all such Times, Liberty and Power to continue in such House, and to examine the Persons confined as Lunatics therein, for such Time as they shall think proper.

XV. And be it further enacted, that the said Commissioners, or their Secretary, shall, at every such Visitation, make Minutes, in Writing, of the State and Condition of all such Houses which they shall so visit, as to the Care of the Patients therein, and all such other Particulars as they shall think deserve their Notice, together with their Observations thereupon; all which Minutes shall, within one Week next after such Visitation, be by the said Secretary entered, by way of Report, in a Register to be kept by him in the said College of Physicians for that Purpose, and the same shall be read to, and signed by, the said Commissioners, or any three or more of them, at their next Meeting; but no Minute which tends to impeach the Character of any House shall be so entered, unless such Minute shall have been previously signed by three or more of the said Commissioners, who shall have been present at such Visitation; and in case the Commissioners, upon their Visitation, shall discover any Thing, that, in their Opinion, shall deserve Censure or Animadversion, they shall, in that Case, report the same; and such Part of their Report, and no more, shall be huddled up in the Censors' Room of the College, to be perused and inspected by any Person who shall apply for that Purpose.

XVI. And be it further enacted, That in case the Keeper of any House or Place for the Reception of Lunatics, within the Cities of London or Westminster, or within seven Miles Distance thereof, or within the County of Middlesex, shall refuse

all or any of the said Commissioners, at the Time of their Visitation, Admittance into such House or Place as aforesaid, with or without their Secretary, the Master or Keeper of such House or Place shall, for such Offence, forfeit his Licence.

No. 2.

14 George III.  
c. 49

XVII. And be it further enacted, That the said Commissioners, or any three or more of them, shall, from Time to Time, cause an exact Account to be kept of all their Proceedings; and all such Accounts shall be entered in the same Register as the Minutes taken at their Visitations are directed to be entered as aforesaid; and the said Register shall be lodged in the College of Physicians in a strong Chest or Box, which said Chest or Box shall be under the Care of the Beadle or Housekeeper belonging to the said College, and shall be carefully locked up, from Time to Time, by the Secretary to the said Commissioners, and the Key thereof kept by such Secretary; which said Register shall be deemed to belong to the said Commissioners, and the Key of the said Chest or Box shall be delivered over to every succeeding Secretary, whenever the former Secretary shall go out of Office, and be kept by such succeeding Secretary, in Manner aforesaid, for the Use of the said Commissioners.

Commissioners  
to keep an ex-  
act Account.President to  
inspect Regis-  
ters.

XVIII. Provided always, That the President of the said College shall have Liberty to inspect the said Register, from Time to Time, as often as he shall think proper, provided such Inspection be made at the College, and in the Presence of the Secretary to the said Commissioners.

On Applica-  
tion to Com-  
missioners, Se-  
cretary to make  
Search.

XIX. And be it further enacted, That if any Person shall apply to one of the Commissioners, in order to be informed whether any particular Person or Persons have been confined in any of the said licensed Houses, and the said Commissioners shall think it reasonable to permit such Inquiry to be made, and shall sign an Order, directed to the Secretary for that Purpose; he, the said Secretary, is hereby required, upon the Receipt of such Order, to make Search upon his Papers: And if it shall appear, upon such Search, that the Person or Persons so enquired after have been confined in any of the said Houses, the said Secretary shall immediately acquaint the Persons so applying with the Name of the Keeper in whose House, and also the Names of those by whose Direction and Advice, such Person or Persons have been so confined.

One Guinea  
to be paid, on  
each Inspection,  
to each Com-  
missioner.

XX. And be it further enacted, That the said Treasurer shall, and is hereby required to pay to each of the said Commissioners as they shall, from Time to Time, incur in the Execution of this Act; and the said Treasurer is hereby required, from Time to Time, to keep an exact and true Account of all Monies by him received and disbursed in relation to this Act, and shall enter such Account in a Book to be kept for that Purpose which Book shall be lodged in the Box or Chest where



No. 2. the Register of the Proceedings of the said Commissioners is  
 14 George III. directed to be kept, as aforesaid; which Accounts shall be  
 c. 49. produced to the President of the said College, when required  
 by the said President and Elects, to be examined and settled  
 by them: and if, upon such Examination, the said Accounts  
 shall appear to be just and reasonable, the same shall be allow-  
 ed and signed by the said President, and at least four of the  
 Elects, and shall be by the said President reported, toge-  
 ther with the other Accounts, at the next General Meeting of  
 the said College; and the said Account, being so allowed,  
 signed, and reported, shall be a full Discharge to the said  
 Treasurer for so much Money as shall in such Account appear  
 to have been disbursed by him on account of the Execution of  
 this Act.

Notice to be  
 given, within  
 three Days after  
 Admission of  
 Patients, by the  
 Keeper.

How to be  
 directed.

Keepers admit-  
 ting Lunatics  
 without an Or-  
 der, forfeit 100l

No more than  
 one Lunatic to  
 be kept in any  
 House, &c.

‘XXI. And, in order that the said Commissioners may  
 know when any Patient is received into any such licensed  
 House or Place, as aforesaid,’ be it further enacted by the  
 Authority aforesaid, That the Keeper of every such licensed  
 House or Place within the said Cities of *London* and *Westminster*,  
 and within seven Miles of the same, and within the said County  
 of *Middlesex*, is hereby required, within the Space of three  
 Days after any Patient shall be received into any such licensed  
 House or Place (except such pauper Lunatics as shall happen  
 to be sent there by Parish Officers), to cause Notice thereof to  
 be given to the Secretary to the said Commissioners, which  
 Notice shall contain the Name of every such Person received  
 as a Lunatic into such House or Place, the Name or Names,  
 and Place or Places of Abode, of the Person or Persons by  
 whose Direction such Lunatic was sent to such House or Place,  
 and also the Name and Place of Abode of the Physician, Sur-  
 geon, or Apothecary, by whose Advice such Direction was  
 given; all which Notices shall be sent sealed up, directed *To  
 the Secretary to the Commissioners for licensing Houses for the  
 Reception of Lunatics, to be left with the Beadle of the College of  
 Physicians in London*: all which Notices the said Beadle is  
 hereby directed to receive, and to deliver to the said Secretary,  
 within two Days after the same shall come to his Hands; and  
 the Secretary is hereby required to file and preserve all such  
 Notices, and also to enter, or cause a Copy or Extract thereof  
 to be entered, in the Register, within two Days after the Re-  
 ceipt of such Notices; and every Keeper of any such licensed  
 House or Place, who shall admit, harbour, entertain, or con-  
 fine, any Person as a Lunatic, without having an Order, in  
 Writing, under the Hand and Seal of some Physician, Surgeon,  
 or Apothecary, that such Person is proper to be received into  
 such House or Place as a Lunatic, or shall receive any Lunatic  
 into any such House or Place, having such Order, and shall  
 not give Notice thereof to the Secretary of the said Commis-  
 sioners, within the Time, and in the Manner aforesaid, shall  
 forfeit and pay the Sum of one hundred Pounds.

‘XXII. And, in order that such Houses or Places for the  
 Reception of Lunatics as are not situated within the Limits  
 aforesaid may be put under some Regulation,’ be it further

enacted, That no House, which is not within the said City of London, or within seven Miles of the same, or within the said County of *Middlesex*, shall be kept for the Reception of more than one Lunatic, unless such House or Place shall be licensed by the Justices of the Peace at some Quarter Sessions of the Peace to be holden for the County or Place wherein such House or Place shall be situated.

No. 2.  
14 George III.  
c. 49.

XXIII And be it further enacted, That the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for any such County or Place, are hereby authorised and required to grant Licences to such Person and Persons as shall apply for that Purpose, such Person or Persons paying for each Licence the Sums following; (that is to say), for each and every House, wherein there shall be kept any Number of Lunatics, not exceeding ten, the Sum of ten Pounds, and no more, and for each and every House wherein there shall be kept above the Number of ten Lunatics, the Sum of fifteen Pounds, and no more; and that no one Licence shall authorise any Person or Persons to keep more Houses than one for the Reception of Lunatics, nor shall any such Licence be granted for any longer Term than for one Year; and the said Justices shall, at the Time of granting such Licences as aforesaid, nominate and appoint two Justices of the Peace for the said County, and also one Physician, to visit and inspect all such Houses as shall be licensed by such Justices as aforesaid; and the said Justices and Physicians, so nominated and appointed, or any two of them, whereof the Physician to be one, may, and are hereby authorised and empowered to visit, in the Day-time, every House so licensed, within the County where such House or Place shall be so licensed, as often as they shall think fit.

Justices to  
grant Licences  
at General  
Quarter Ses-  
sions; and re-  
ceive, &c.

XXIV. And be it further enacted, That the said Justices and Physician, so nominated, or such of them as shall visit any licensed House as aforesaid, may, at every Visitation, if they think necessary, make, or cause to be made, Minutes, in Writing, of the State and Condition of every House which they shall visit as to the Care of the Patients therein, and all such other Particulars as they shall think deserve their Notice, together with their Observations thereupon; all which Minutes shall be entered, by way of Report, in a Register to be kept for that Purpose, by the Clerk of the Peace for the County where such House or Houses shall be licensed as aforesaid, a Copy whereof shall, from Time to Time, be sent by the said Clerk of the Peace to the Secretary to the said Commissioners, to be by him inserted in a separate Register; which Register shall be kept in the same Box, and in the same Manner, as the Register belonging to the said Commissioners is herein-before directed to be kept; and the said Clerk of the Peace shall be paid such Sum and Sums of Money for his Trouble in the Execution of this Act as the said Justices shall order and direct; and all Money to be paid for such Licences as shall be granted by the said Justices of the Peace, as aforesaid, shall

Justices, at  
Visitations to  
make Minutes,  
&c.

No. 2. be paid to the Clerk of the Peace, as aforesaid, who shall  
 14 George III. keep an Account thereof, in a Book or Books to be kept for  
 c. 49. that Purpose, and shall Account for the same to the said Jus-  
 tices, as often as he shall be required so to do; and all Expences attending the Execution of this Act (except within the Cities of *London* and *Westminster*, and within seven Miles thereof, and also except within the said County of *Middlesex*) shall be defrayed out of such Money as aforesaid, in such Manner as the said Justices shall, from Time to Time, within their respective Counties, order and direct.

Clerk of the  
 Peace to take  
 Oath.

XXV. And be it further enacted, That at such General Quarter Session, when such Justices and Physician shall be appointed as aforesaid, the Clerk of the Peace shall take the like Oath as is appointed by this Act to be taken by the Secretary of the Commissioners.

Keepers re-  
 fusing Admit-  
 tance forfeit Li-  
 cence.

XXVI. And be it further enacted, That in case the Keeper of any House or Place for the Reception of Lunatics, not being within the said City of *London* or *Westminster*, or within seven Miles of the same, or within the said County of *Middlesex*, shall, in the Day-time, refuse the said Justices and Physician, on such Visitation, Admittance, at any Time or Times, into such House or Place as aforesaid, the Master or Keeper or such House or Place shall, for such Offence, forfeit his Licence.

If Keeper do  
 not give Notice  
 of the Receipt  
 of a Lunatic,  
 within 14 Days,  
 he forfeits 100l.

XXVII. And be it further enacted by the Authority aforesaid, That the Keeper of any House or Place for the Reception of Lunatics, not being within the said City of *London* or *Westminster*, or within seven Miles of the same, or within the said County of *Middlesex*, shall, and is hereby required, to give such Notice, as aforesaid, of the Receipt of every such Lunatic (except such pauper Lunatics as shall happen to be sent there by Parish Officers) to the Secretary to the Commissioners, at the College of Physicians aforesaid, within the Space of fourteen Days from the Time of such Lunatic's being received into any such House or Place; and every Keeper of any such House or Place, who shall admit, harbour, entertain, or confine, any Person as a Lunatic, without having an Order in Writing, under the Hand and Seal of some Physician, Surgeon, or Apothecary, that such Person is proper to be received into such House or Place as a Lunatic, or shall receive any Lunatic into any such House or Place, having such Order, and shall not give Notice thereof to the Secretary of the said Commissioners, within the Time, and in the Manner aforesaid, shall forfeit and pay the Sum of one hundred Pounds.

No Licence to  
 be granted with-  
 out Recogni-  
 zance.

XXVIII. And be it further enacted, That no such Licence shall be granted as aforesaid, either by the said Commissioners or Justices of the Peace, as aforesaid, unless, upon granting such Licence, the Person to whom such Licence is granted shall enter into Recognizance to the King's Majesty, his Heirs and Successors, in the Sum of one hundred Pounds, with two sufficient Sureties, each in the Sum of fifty Pounds, or one suf-

ficient Surety in the Sum of one hundred Pounds, under the usual Conditions, for the good Behaviour of such Person during the Time for which such Licence shall be granted.

No. 2.

14 George III.  
c. 49.

XXIX. And be it further enacted by the Authority aforesaid, That the Lord High Chancellor of Great Britain, or Lord Keeper, or the Commissioners for the Custody of the Great Seal, or the Lord Chief Justice of the Court of King's Bench, or the Lord Chief Justice of the Court of Common Pleas for the Time being, may, at any Time or Times, by any written Order, directed to the Commissioners appointed by this Act, or to the Justices of the Peace and Physician, appointed Visitors, at any General Quarter Session, require the said Commissioners, or any three or more of them, or the said Visitors, or any two of them, to visit or inspect any House or Houses so licensed; and also to make a Report to him or them, touching such Matters as they shall, in such Orders, be directed to inquire into, or as they shall think deserving his or their Lordships Notice; and the said Lord High Chancellor, or Lord Keeper, or Commissioners for the Custody of the Great Seal, or Lord Chief Justice of the Court of King's Bench, or the Lord Chief Justice of the Court of Common Pleas, may also, at any Time or Times, by a like Order, send for and inspect the Register or Registers so to be kept as aforesaid, and may summon and examine all or any of the Persons concerned in the Execution of this Act, as often as shall be thought necessary and proper; in case they, or any of them, shall not obey all such Orders as aforesaid, within two Days after the Receipt of the same, and shall not shew sufficient Cause to the contrary, every Person, so offending, shall be deemed guilty of a Contempt of the Court of Chancery, Court of King's Bench, or Court of Common Pleas, as the Case shall be.

Chancellor to  
order Commis-  
sioners, or Jus-  
tices, to inspect  
licensed Houses,  
and to make  
Report, &c.

XXX. Provided always, and it is hereby declared, That nothing in this Act contained, shall extend, or be construed to extend to any of the public Hospitals within this Kingdom.

XXXI. And whereas it is intended by this Act to give the Keepers of any House or Houses, so to be licensed as aforesaid, or any other Person concerned in confining any of his Majesty's Subjects therein, any new Justification from their being able to prove that the Persons so confined have been sent there by such Direction and Advice as are required by this Act; be it therefore declared and enacted, That in all Proceedings that shall be had under his Majesty's Writ of Habeas Corpus, and in all Indictments, Informations, and Actions, that shall be preferred and brought against any Person or Persons, for confining or ill treating any of his Majesty's Subjects, if any of the said Houses, the Parties complained of shall be obliged to justify their Proceedings according to the Course of the Common Law, in the same Manner as if this Act had not been made.

Proceedings to  
be justified in  
Course of Com-  
mon Law.

XXXII. And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures which shall be incurred within the said Cities of London or Westminster, or within seven

Penalties and  
Forfeitures.

No. 2. Miles of the same, or within the said County of *Middlesex*, for  
 14 George III. Offences against this Act, shall and may be sued for and recovered in any of the Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, by the President of the said College for the Time being, in the Name of the Treasurer belonging to the said College, at any Time within six Calendar Months after the Offence committed; and all such Penalties and Forfeitures, when recovered, shall, and are hereby directed to be paid to the said Treasurer, and shall be applied (except such Penalties and Forfeitures as are otherwise directed to be applied by this Act) in Manner following; (that is to say) one Moiety of all such Penalties and Forfeitures shall go to the Informer, and the other Moiety towards defraying the Expences attending the Execution of this Act: And all Penalties and Forfeitures which shall be incurred for Offences against this Act, not within the said Cities of *London* or *Westminster*, or within seven Miles of the same, or within the said County of *Middlesex*, shall and may be sued for and recovered by Action of Debt, Bill, Plaint, or Information, by and in the Name of the Clerk of the Peace for the County where any such Offence shall be committed; and all such Penalties and Forfeitures, when recovered, shall be applied, one Moiety to the Informer, and the other Moiety for defraying the Expences attending the Execution of this Act, within such County.

**Limitation of Actions.** XXXIII. And be it further enacted, that if any Action or Suit shall be commenced or brought against any Person or Persons, for any Thing done in pursuance of this Act, the same shall be commenced within six Calendar Months next after the Fact committed; and shall be laid or brought in the County, City, or Place, where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, shall and may, at his Election, plead specially, or the General Issue, Not guilty; and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought in any other County, City, or Place, or shall not have been commenced within the Time before limited for bringing the same; that then the Jury shall find a Verdict for the Defendant or Defendants; and, upon a Verdict being so found, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any other Cases by Law.

**Treble Costs.** XXXIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and be judicially

**Public Act.**

taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

XXXV. And be it further enacted by the Authority aforesaid, That this Act shall continue in Force for the Term of five Years, and from thence to the End of the then next Session of Parliament. [Made perpetual 26 Geo. III. c. 91.]

No. 2.  
14 George III.  
c. 49.  
Continuance of  
this Act.

### No. 3.

39 and 40 George III. c. 94. — An Act for the safe Custody of Insane Persons charged with Offences. [28th. July, 1800.]

WHEREAS Persons charged with High Treason, Murder, or Felony, may have been or may be of unsound Mind at the Time of committing the Offence wherewith they may have been or shall be charged, and by reason of such Insanity may have been or may be found not guilty of such Offence, and it may be dangerous to permit Persons so acquitted to go at large: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where it shall be given in Evidence upon the Trial of any Person charged with Treason, Murder, or Felony, that such Person was insane at the Time of the Commission of such Offence, and such Person shall be acquitted, the Jury shall be required to find specially whether such Person was insane at the Time of the Commission of such Offence, and to declare whether such Person was acquitted by them on account of such Insanity; and if they shall find that such Person was insane at the Time of the committing such Offence, the Court before whom such Trial shall be had, shall order such Person to be kept in strict Custody, in such Place and in such Manner as to the Court shall seem fit, until his Majesty's Pleasure shall be known; and it shall thereupon be lawful for his Majesty to give such Order for the safe Custody of such Person, during his Pleasure, in such Place and in such Manner as to his Majesty shall seem fit; and in all Cases where any Person, before the passing of this Act, has been acquitted of any such Offences on the Ground of Insanity at the Time of the Commission thereof, and has been detained in Custody as a dangerous Person by Order of the Court before whom such Person has been tried, and still remains in Custody, it shall be lawful for his Majesty to give the like Order for the safe Custody of such Person, during his Pleasure, as his Majesty is hereby enabled to give in the Cases of Persons who shall hereafter be acquitted on the Grounds of Insanity.

No. 3.  
39 & 40 George  
III. c. 94.

The Jury, in case of any Person charged with Treason &c. proving to be insane, shall declare whether he was acquitted by them on account of Insanity, and the Court shall order him to be kept in Custody till his Majesty's Pleasure be known, and his Majesty may give an Order for the safe Custody of such insane Person, &c.

II. And be it further enacted, That if any Person indicted for any Offence shall be insane, and shall upon Arraignment be found to be by a Jury lawfully impannelled for that Purpose, so that such Person cannot be tried upon such Indictment, or if upon the Trial of any Person so indicted such

Insane Persons indicted for any Offence, and found to be insane by a Jury to be impannelled on their Arraignment, &c. shall be ordered

No. 3. Person shall appear to the Jury charged with such Indictment to be insane, it shall be lawful for the Court before whom any such Person shall be brought to be arraigned or tried as aforeaid, to direct such Finding to be recorded, and thereupon to order such Person to be kept in strict Custody until his Majesty's Pleasure shall be known; and if any Person charged with any Offence shall be brought before any Court to be discharged for want of Prosecution, and such Person shall appear to be insane, it shall be lawful for such Court to order a Jury to be impannelled to try the Sanity of such Person; and if the Jury so impannelled shall find such Person to be insane, it shall be lawful for such Court to order such Person to be kept in strict Custody, in such Place and in such Manner as to such Court shall seem fit, until his Majesty's Pleasure shall be known; and in all Cases of Insanity so found, it shall be lawful for his Majesty to give such Order for the safe Custody of such Person so found to be insane, during his Pleasure, in such Place and in such Manner as to his Majesty shall seem fit.

Persons committed by any Justice on account of being dangerous and insane shall not be bailed except by two Justices, (one being the Justice committing,) or by the Quarter Sessions, or one of the Judges,

III. 'And, for the better Prevention of Crimes being committed by Persons insane,' be it further enacted, That if any Person shall be discovered and apprehended under Circumstances that denote a Derangement of Mind, and a Purpose of committing some Crime, for which, if committed, such Person would be liable to be indicted, and any of his Majesty's Justices of the Peace before whom such Person may be brought shall think fit to issue a Warrant for committing him or her as a dangerous Person suspected to be insane, such Cause of Commitment being plainly expressed in the Warrant, the Person so committed shall not be bailed except by two Justices of the Peace, one whereof shall be the Justice who has issued such Warrant, or by the Court of General Quarter Sessions, or by one of the Judges of his Majesty's Courts in *Westminster Hall*, or by the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal.

The Privy Council or one of the Secretaries of State may cause Persons appearing to be insane and endeavouring to gain Admittance to his Majesty to be kept in Custody till the Insanity of such Person be enquired into, and such Persons may be committed and discharged in Manner herein directed, &c.

IV. 'And whereas Insane Persons have, at different Times, endeavoured to gain Admittance to his Majesty's Presence, by Intrusion on his Majesty's Palaces and Places of Residence and otherwise, and his Majesty's Person may be endangered by Reason of the Insanity of such Persons:' Be it therefore enacted, That if any Person who shall appear to be insane shall endeavour to gain Admittance to his Majesty's Presence, by Intrusion on any of his Majesty's Palaces or Places of Residence, or otherwise, so that there may be Reason to apprehend that his Majesty's Person may be endangered, it shall be lawful for his Majesty's Privy Council, or one of his Majesty's Principal Secretaries of State, to cause such Person to be brought before them or him, and if upon Examination it shall appear that there is Reason to apprehend such Person to be insane, and that the Person of his Majesty may be endangered by Reason of the Insanity of such Person, it shall be lawful for his Majesty's Privy Council, or one of his Majesty's Principal Secretaries of State, to order such Person to

be kept in safe Custody in such Place, and in such Manner, as according to Circumstances shall be ascertained; and for such Purpose, it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of Great Britain, to award a Commission under the said Great Seal, directed to certain Commissioners to be therein named, to enquire into the Sanity of such Person, and whether the Person of his Majesty may be endangered by Reason of the Insanity of such Person, and for such Purpose, to direct the Sheriff of the County where such Person shall be, to summon a Jury to try the Sanity of such Person, and whether his Majesty's Person may be endangered by Reason of the Insanity of such Person, in the same Manner as Juries are summoned to try the Sanity of Persons on a Commission in the Nature of a Writ *de lunatico inquirendo*; and if upon the Inquisition so taken it shall be found that such Person is so far insane that the Person of his Majesty may be endangered by Reason of the Insanity of such Person, it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal for the Time being, to take Order for the safe Custody of such Person so long as there shall be Reason to apprehend that the Person of his Majesty may be endangered by Reason of the Insanity of such Person; and if it shall afterwards appear that such Person shall have recovered the Use of his or her Reason, so that there shall be no longer any Reason to apprehend any Danger to his Majesty's Person from the Insanity of such Person, it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal for the Time being, to enquire into the Fact by such Means as to him or them shall seem proper; and if it shall appear to his or their Satisfaction, that such Person has so far recovered the Use of his or her Reason, that there is no Ground for apprehending any Danger to his Majesty's Person from the Insanity of such Person, it shall be lawful for the said Lord Chancellor, Lord Keeper, and Lords Commissioners respectively, to direct such Person to be discharged from Custody, either absolutely or conditionally, or under Restrictions, as to him or them shall seem meet.

No. 3.

39 &amp; 40 George III. c. 94.

## No. 4.

48 George III. c. 96.— An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals in England: [23d. June 1808.]

WHEREAS the Practice of confining such Lunatics and other insane Persons as are chargeable to their respective Parishes in Gaols, Houses of Correction, Poor Houses, and Houses of Industry, is highly dangerous and

No. 4.

48 George III. c. 96.



No. 4. 'inconvenient: And whereas it is expedient that further Pro-  
 48 George III. vision should be made for the Care and Maintenance of such  
 c. 96. Persons, and for the erecting proper Houses for their Recep-  
 tion, and also for erecting additional Buildings adjoining or  
 contiguous thereto for the Reception of other Lunatics: And  
 whereas it is also expedient that further Provision should be  
 made for the Custody of Insane Persons who shall commit  
 criminal Offences;' be it therefore enacted by the King's most  
 excellent Majesty, hy and with the Advice and Consent of  
 the Lords Spiritual and Temporal, and Commons, in this pre-  
 sent Parliament assembled, and by the Authority of the same,  
 That it shall and may be lawful for the Justices of the Peace in  
 and for every County within *England* and *Wales*, at their res-  
 pective General Quarter Sessions of the Peace, or any Ad-  
 journment of the same, or the major Part of such Justices then  
 and there assembled, to direct Notice to be given in some pub-  
 lic Newspaper or Newspapers circulated in or near such  
 County, of their Intention of taking into Consideration, at their  
 next General Quarter or General Annual Sessions, the Expedi-  
 ency and Propriety of providing a Lunatic Asylum or House  
 for the Reception of Lunatics and other insane Persons within  
 the said County, or of appointing a Committee of Magistrates  
 to treat with any one or more of the adjacent Counties to unite  
 for that Purpose.

Justices in Ses-  
 sions may give  
 Notice of their  
 Intent to erect  
 Lunatic Asy-  
 lums.

II. And be it further enacted, That the said Justices of  
 the Peace, after such Notice being given as aforesaid, shall, at  
 their next General Quarter or General Annual Sessions, proceed  
 to take the same into Consideration; and if it shall appear to the  
 major Part of the said Justices being then and there assembled,  
 such major Part not being less in Number than seven, that it is  
 expedient that a Lunatic Asylum, or House for the Reception of  
 Lunatics and other insane Persons should be erected in and for  
 the said County sole, the said Justices shall nominate and  
 appoint such Number of Visiting Justices as they may think fit  
 to superintend the Building, Erection, and Management of such  
 Lunatic Asylum, and from Time to Time to report the State of  
 their Proceedings to the Court of the General Quarter Sessions.

Justices of any  
 County may  
 contract; and  
 appoint Visiting  
 Justices for such  
 Asylums.

III. And be it further enacted, That in all Cases where  
 it shall appear expedient to the Justices of the Peace in and for  
 any County to unite with any one or more adjacent County or  
 Counties for the Purposes of this Act, and for the providing a  
 Lunatic Asylum to serve for the said several Counties, it shall  
 and may be lawful for the said Justices, at their respective Gen-  
 eral Quarter Sessions, (whereof due Notice shall be given as  
 aforesaid) to nominate and appoint any Number of Justices,  
 not exceeding five, to be a Committee for treating with any  
 adjacent County or Counties for that Purpose.

Committee of  
 Justices to unite  
 Counties for  
 such Purpose.

IV. And be it further enacted; That where the Commit-  
 tees of Justices so appointed by any two or more Counties,  
 shall think fit to unite the said Counties for the Purposes of this  
 Act, and shall signify their Inclination and Desire so to do at  
 a Meeting holden for that Purpose, an Agreement shall at such

Agreement to  
 be entered into,  
 when Counties  
 shall be united.

Meeting, or as soon as conveniently may be afterwards, be entered into by the said Justices so appointed as aforesaid, or the major Part of them, in the Form or to the Effect set forth in the Schedule hereunto annexed (No. 1), which Agreement, when subscribed by the major Part of the Justices so nominated and appointed for each County, shall be binding upon the said Counties; and every such Agreement shall specify the Place at or near which such Lunatic Asylum shall be situate, and the Proportions in which the Expences necessary for the carrying into Execution the Purposes of this Act shall be charged and assessed upon the several Counties so uniting, which Proportions shall be calculated by the said Justices so appointed upon the Numbers of the respective Population of the said several Counties as stated in the Returns to an Act, passed in the forty-first Year of his Majesty's Reign, intituled, "An Act for taking an Account of the Population of Great Britain, and of the Increase and Diminution thereof;" and the said Agreement shall also specify the Number of Visiting Justices to superintend the Building, Erection and Management of the said Lunatic Asylum to be appointed by each of the respective Counties so uniting, which Number shall be in Proportion to the Share of the Expences so to be charged and assessed upon each of such respective Counties, but so that a Number less than three shall in no Case be appointed for any County so united.

V. And be it further enacted, That whensoever such Agreement shall have been so entered into and signed as aforesaid, the Justices so appointed to be a Committee for each County so uniting shall respectively report the same to the Justices of the Peace at their next General Quarter Sessions to be holden for each of the said Counties, and shall then and there deliver into Court a Duplicate of the said Agreement, to be by the Clerks of the Peace of the said Counties entered among the Records; and that the said Justices shall then and there immediately proceed to nominate such Number of Persons as by the said Agreement they may be entitled to appoint to be Visiting Justices of the said Asylum till the next Michaelmas General Quarter Sessions, and shall continue annually to appoint such Number of Visiting Justices at each Michaelmas General Quarter Sessions.

VI. And be it further enacted, That the said Visiting Justices so nominated and appointed by such County sole or such united Counties, are hereby authorized and required, within two Calendar Months after such Nomination and Appointment as aforesaid, to meet and assemble at such Place as shall appear to them most convenient for that Purpose (due Notice thereof being previously given to such Visiting Justices by the Clerk or Clerks of the Peace of such County or Counties respectively), and that the said Visiting Justices may adjourn the said Meeting from Time to Time or from Place to Place, and meet as often as they shall think necessary; and the said Visiting Justices, or the major Part of them, are hereby authorised at their said Meetings to appoint a Clerk and a Sur-

No. 4.  
48 George III.  
c. 96  
Sched. (No. 1.)

in proportion to  
the Population  
as returned un-  
der 41 G. 3.  
(G. B.) c. 15.

Such Agree-  
ment shall be  
reported at  
Quarter Ses-  
sions.

Visiting Jus-  
tices empower-  
ed to contract.

Appointment  
of Clerk and  
Surveyor.

No. 4. veyor for duly exercising the Powers of this Act, and from  
 48 George III. Time to Time to receive Plans and Estimates, and contract  
 c. 96. for the Purchase of Lands and Buildings, or for the Alteration  
 of any Building already belonging to such County, or any of  
 such united Counties, and for building, erecting, altering,  
 furnishing and completing such Lunatic Asylum, and the Yards,  
 Courts, and Outlets thereto belonging, and such Contract or  
 Contracts shall be made and entered into at the most reason-  
 able Rates, and with the most responsible Persons; and every  
 such Contractor shall give sufficient Security for the due Per-  
 formance of his Contract to the Clerk to such Visiting Justices;  
 and all Contracts when made, and all Orders relating thereto,  
 shall be entered in a Book to be kept by the Clerk to such  
 Visiting Justices, and when such Asylum shall be declared to  
 be completed in Manner herein-after directed, then such Book  
 shall be deposited and kept among the Records of such  
 County sole, or of such of the Counties so united for the Pur-  
 poses of this Act as shall have paid the largest Quota or Pro-  
 portion of the Expences of providing such Asylum, to be  
 inspected at all reasonable Times by any Person contributing  
 to the County Rates of such County or Counties respectively;  
 and all Buildings or Land so to be contracted for and pur-  
 chased, shall be conveyed to such Person or Persons as the  
 Visiting Justices shall think fit in trust for the Uses and Pur-  
 poses of this Act; and the said Visiting Justices shall from  
 Time to Time make their Report to the General Quarter Ses-  
 sions of the Peace of such County or Counties respectively, of  
 the several Plans, Estimates and Contracts which shall have  
 been made and entered into in Manner aforesaid, and also a  
 Report of the Sum or Sums of Money necessary to be raised  
 and levied on such County sole as the Expence, or on each of  
 such united Counties as the Quota or Proportion of the Expence  
 to be incurred on the several Accounts aforesaid.

Report to Ses-  
 sions.

Expences shall  
 be defrayed, as  
 County Rates  
 under 12 G. 2  
 c. 20. 13 G. 2.  
 c. 18.

VII. 'And in order to defray the Expences necessary for  
 the Execution of this Act,' be it further enacted, That the  
 Justices of the Peace at their General Quarter Sessions may  
 and shall cause such Sums of Money as shall have been from  
 Time to Time reported to them to be necessary for that Purpose  
 by the Visiting Justices, to be raised in such Manner as Rates  
 are directed to be raised by two Acts made in the twelfth and  
 thirteenth Years of his late Majesty King George the Second,  
 for the more easy assessing, collecting, and levying of County  
 Rates, or shall order and direct the same to be paid out of  
 the ordinary Rate of such County.

Justices em-  
 powered to bor-  
 row Money on  
 Mortgage of  
 Rates.

VIII. 'And whereas the Expences of carrying this Act  
 into Execution may in some Cases become very burthensome  
 on the Occupiers of Land, and other the Contributors to the  
 County Rates, in case the said Expences should be raised in  
 the Manner herein-before mentioned;' be it therefore  
 enacted, That when it shall appear on the Report of such  
 Visiting Justices, that the Charge and Costs of carrying this Act  
 into Execution will exceed one Half of the Amount of the

ordinary annual Assessment for the County Rate for any County (such ordinary Assessment to be taken on a mean Pro-<sup>48</sup> portion of the said Rate for the last five Years preceding), that then and in such Case it shall and may be lawful for the Justices of the Peace within the respective Limits of their Commissions, so assembled in their Quarter Sessions as aforesaid, from Time to Time to borrow and take up on Mortgage of the Rates herein-mentioned, by Instruments in the Form contained in the Schedule hereunto annexed (No. 2), or to that or the like Effect, any Sums not less than fifty Pounds each, at legal or lower Interest, as to them or the major Part of them (such major Part not being less than five) shall appear necessary and expedient for the Purposes aforesaid, and to secure all and every such Sum and Sums of Money so borrowed upon the Credit of the Rates to be raised upon such County respectively; and the said Justices so assembled as aforesaid are hereby authorized to treat and agree with any Person or Persons for the Loan of any such Sum or Sums of Money, and by their Order to confirm and establish every such Agreement as aforesaid; and every such Agreement so established by such Order, and signed by the Chairman and two or more Justices present at the Time of making such Order, shall be and the same is hereby declared to be effectual for securing to the Person or Persons so advancing any Sum or Sums of Money, his, her, or their Executors, Administrators, and Assigns, all and every such Sum or Sums of Money, with Interest for the same, on such Terms as in and by such Agreement or Agreements respectively shall be for that Purpose stipulated; and the said Securities shall be numbered in order of Succession in which they shall be granted, and Copies or Extracts of all such Agreements or Securities shall be kept with the Clerk of the Peace or other proper Officer having the Custody of the Records of the Quarter Sessions of such County respectively; and all and every Person and Persons to whom any such Security or Securities shall be made, or who shall be entitled to the Money thereby secured, is and are hereby empowered (by indorsing his, her, or their Name or Names on the Back of such Security or Securities) to transfer and assign the same, and his, her, or their Right to the principal Money and Interest thereby secured, unto any Person or Persons; and every such Assignee may in like Manner transfer the same again, and so *toties quoties*; and the Person or Persons to whom such Security or Securities, or any such Assignment thereof shall be made, and his or their respective Executors, Administrators, and Assigns, shall be Creditors upon the said Rates in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced.

IX. And be it further enacted, That the said Justices are hereby authorized and required, not only to charge the Rates to be raised upon such County with the Interest of the Money so borrowed upon such Securities, but also with the Payment of a further Sum, equal at least with the Sum so charged for

No. 1  
George III.  
c. 96.

Sched. (No. 2.)

For charging the Rate with a Sinking Fund to reduce the Principal borrowed.

No. 4. the Interest of such Securities, which said Sums shall be assessed on such County in such Manner as County Rates are directed to be assessed by the Laws now in being, and paid and applied under the Direction of the said Justices in Discharge of the Interest, and of so many of the principal Sums on the said Securities as such Money will extend to discharge in each Year, until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the said Justices are required to fix one or more Days in each Year on which such Payment shall be made, and shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and they are hereby required to appoint a proper Person to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act in a Book or Books, separate and apart from all other Accounts, and the same to adjust and settle in such Manner that it may easily be seen what Interest is growing due, and what principal Money has been discharged, and what remains due, and the said Book or Books so adjusted and settled to deliver into Court at every General Annual or *Michaelmas* Quarter Sessions to be held for any such County; and the said Justices are required at every such Sessions carefully to inspect all such Accounts, and make Orders for carrying the several Purposes of this Act into Execution in such Manner as to them shall seem meet; and if at any Time it shall appear to the said Justices that the Person so appointed has neglected the said Order, and has not duly and without Delay applied the Money in his Hands to the Purposes hereby directed, such Person shall forfeit double the Amount of the Money which shall not have been applied to the Purposes of this Act, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices; and the said Penalty, after the Charges of recovering the same, shall be paid to the Treasurer of the said Asylum, to be applied to the Use of the same: and the said Justices on a Day and Hour to be fixed at some General Quarter or Annual Sessions of the Peace, to be holden for such County, (of which fourteen Days public Notice shall be given as aforesaid) shall in open Court cause all the said several Securities to be drawn by Lot and numbered for Payment according to the Event of such Drawing, and the Securities so drawn and numbered shall be regularly discharged in Succession, according to Priority of such drawn Number.

Money borrowed shall be repaid within 14 Years.

X. Provided always, and be it further enacted, That the Justices of the Peace in their respective Quarter Sessions shall (they are hereby required to make Provisions by means of the Rates (which they are hereby authorized to make), and by their Orders and Directions (which they are hereby authorized to give), in such Manner that the whole Money to be borrowed under the Authority of this Act shall be fully paid and discharged within a Time to be limited, not exceeding Fourteen Years from the Time of borrowing the same.

Accounts of Receipts and Payments.

XI. And be it further enacted, That it shall and may be lawful for the King's most Excellent Majesty, His Heirs and Successors, and for all Bodies Politic and Corporate, and also for all Guardians, Committees, Husbands, Trustees and Attornies of any Person or Persons being Infants, Lunatics, Idiots, under Coverture or any other Disability, and also for all other Persons who are or shall be seised, possessed of, or interested in any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges which shall be deemed necessary for the Purposes of this Act, to contract or agree for, and to sell, convey, and assure such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges unto such Person or Persons as shall be named by the Visiting Justices, in Trust, and for the Purpose of erecting or providing such Lunatic Asylum, and the Yards, Courts, and Outlets thereunto belonging, and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

No. 4.

48 George III.  
c. 96.Corporations,  
Guardians,  
Trustees, &c.  
empowered to  
convey Lands.

XII. And be it further enacted, That all Sums of Money which shall be agreed to be paid to any Corporation, Guardian, Committee, Husband, Trustee, or Attorney, for or on Behalf of any Infants, Lunatics, Idiots, Females Covert, or Cestuique Trusts, or to any other Person or Persons whose Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges shall be limited in Settlement, for the Purchase of any such Lands, Tenements, and Hereditaments, shall, in case such Sums of Money shall exceed the Sum of one hundred Pounds, be laid out by such Corporations, Guardians, Committees, Husbands, Trustees, or Attornies, or any Person or Persons seised of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges so limited in Settlement, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments in Fee-simple, to be conveyed to or to the Use of such Corporations, Guardians, Committees, Husbands, Trustees, or Attornies, and to and for such Person or Persons, and for such Estate and Estates, and to, for, and upon, and subject to such Uses, Limitations, Remainders, and Contingencies as the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges for and in respect whereof such Purchase Money shall be paid as aforesaid shall be limited, settled, and assured, at the Time such Purchase or Contract shall be made, in Manner aforesaid, or such as shall then be capable of taking Effect, the Charges of such Conveyances and Settlements to be paid in the same Manner as the other Expences relating to the Lunatic Asylum; and in the mean Time, and till such Purchase or Purchases shall be made, such Money, whether the same shall or shall not exceed the Sum of one hundred Pounds, shall be laid out by such Corporations or other Persons for the Time being interested therein, in some Government Securities, in the Names of two Persons, one to be nominated by the Party or Parties for the Time being

Application of  
Purchase Money  
for Lands in  
Settlement, &c.

No. 4. interested therein, and the other by the Visiting Justices afore-  
 48 George III. said; and the Interest arising from such Securities shall be paid  
 c. 96. to such Person or Persons respectively as would have been en-  
 titled to the Rents and Profits of such Lands, Tenements, He-  
 reditaments, Easements, and Privileges, in case the same had  
 not been sold, or would for the Time being be entitled to the  
 Rents and Profits of such Lands, Tenements, and Heredita-  
 ments so to be purchased, in case the same were purchased and  
 settled as aforesaid.

Justices shall  
 not be concern-  
 ed in Contracts.

XIII. Provided always, and be it further enacted, that no  
 Justice of the Peace, who shall under the Authority of this Act  
 do any Matter or Thing in the Execution hereof, shall be ca-  
 pable of having any beneficial Interest or Concern whatso-  
 ever, either in his own Name or in the Name of any other  
 Person in trust for him, in any Contract or Agreement to be  
 made under the Authority of this Act, or shall for any Design  
 or Plan he may deliver or produce, receive any Benefit or  
 Emolument whatsoever.

Digging for  
 Materials.

XIV. And be it further enacted, That the said Visiting  
 Justices, or any five or more of them, shall and may and they  
 are hereby authorized to empower their Agents or Workmen to  
 dig, take, and carry away any Soil, Clay, Sand, Gravel, or  
 Stone, and to manufacture the same for the Purpose of building,  
 carrying on, finishing, and completing such Lunatic Asylum,  
 or other Buildings hereby directed to be built, out of, upon,  
 or from any Common or Waste Land, River, or Brook, with-  
 out paying any Thing for the same; they causing all Pits or  
 Quarries made by such digging and taking to be filled up, or  
 railed and fenced so as not to be dangerous to Passengers or  
 Cattle.

Justices may  
 sue in the Name  
 of their Clerk.

XV. And be it further enacted, That the said Visiting  
 Justices may sue and be sued in the Name of their Clerk, and  
 that no Action that may be brought or commenced by or against  
 the said Visiting Justices, or any of them, by virtue of this  
 Act, in the Name of their Clerk, shall abate or be discontinued  
 by the Death or Removal of such Clerk, or by the Act of such  
 Clerk, without the Consent of the said Visiting Justices, or  
 any five or more of them; but the Clerk to the said Visiting  
 Justices for the Time being shall always be deemed Plaintiff or  
 Defendant in such Action, as the Case shall be.

Regulations for  
 the Situation of  
 Lunatic Asyl-  
 ums.

XVI. And be it further enacted, That the said Visiting  
 Justices, as well in the Choice of Ground and of Situation, as  
 in determining upon the Plans for building or for purchasing  
 and altering Buildings for such Lunatic Asylums, shall, as far  
 as conveniently may be, fix upon an airy and healthy Situation,  
 with a good Supply of Water, and which may afford a Prob-  
 ability of the Vicinity of constant medical Assistance, and pur-  
 sue such Measures, and adopt such Plans, as shall provide  
 separate and distinct Wards for Male and Female Lunatics, and  
 also for the Convalescents and Incurables, and also separate  
 and distinct Day Rooms and Airing Grounds for the Male and  
 Female Convalescents, and dry and airy Cells for the Lunatics  
 of every Description.

XVII. And be it further enacted, That so soon as any Lunatic Asylum so erected as aforesaid, shall be declared by the Visiting Justices to be completed, and in a fit State for the Reception of Lunatics and other insane Persons, whereof due Notice shall be given three Times at the least in some publick Newspaper or Newspapers circulating in the County or District of Counties united for the Purposes of this Act, the Justices of the Peace acting respectively in and for any County or Counties at the Expence of which such Asylum shall have been built, are hereby authorized and directed to issue Warrants, upon the Application of the Overseers of the Poor of any Parish situate within such County or District of Counties for the Conveyance of any Lunatic, insane Person, or dangerous Idiot who may be chargeable to such Parish, to such Asylum, there to be safely kept until he or she shall be duly discharged as hereinafter directed; and at the Time of such issuing such Warrant every such Justice shall also make an Order upon the Overseers of the Poor of the Parish to which such Lunatic, insane Person, or dangerous Idiot shall belong, to pay such Weekly Sum to the Treasurer of such Asylum, as shall, from Time to Time, be fixed upon by the Visiting Justices as a fit Rate for the Maintenance, Medicine, Clothing, and Care of such Persons.

No. 4.  
George III.  
c. 96.  
Justices shall  
move into such  
Asylum lunatic  
Paupers, and  
the Parish  
chargeable shall  
pay the Asylum  
a weekly Al-  
lowance for  
them.

XVIII. And be it further enacted, That if any Overseer of the Poor of any Parish shall wilfully neglect or delay to give Information to such Justice of the Peace of any such lunatic or insane Person who shall be chargeable to such Parish, or to make Application for such Warrant as aforesaid, during the Space of seven Days from the Time that he shall be acquainted that such Person is so lunatic or insane, he shall for every such Offence forfeit and pay a Sum of Money not exceeding ten Pounds nor less than forty Shillings, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any two Justices of the Peace acting for the County within which such Parish shall be situated, which Warrant such Justices are hereby required to grant upon the Confession of the Party, or upon the Information of any Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered to administer); and the said Penalty, after the Charges of recovering the same shall be deducted, shall be paid, one Moiety to the Informer, and the other to the Treasurer of the said Asylum, to be applied to the Use of the same.

Penalty on any  
Overseer neg-  
lecting to give  
Information to  
Justice of luna-  
tic Paupers, 10l.  
to 40s.

XIX. And whereas by an Act passed in the seventeenth Year of the Reign of King George the Second, intituled, "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction," it is among other Things enacted, That whereas there are sometimes Persons who by Lunacy or otherwise are furiously mad, or are so far disordered in their Senses that they may be dangerous to be permitted to go abroad, it shall and may be lawful for any

17 G. 2. c. 5.  
20.



No. 4.  
48 George III.  
c. 96.

Justices committing Lunatics under recited Act shall send them to the Asylum of the County, or to House licensed under 14 G. 3. c. 49.

two or more Justices of the Peace where such lunatic or mad Person shall be found, by Warrant under their Hands and Seals directed to the Constables, Churchwardens, and Overseers of the Poor of the Parish, Town, or Place, or some of them, to cause such Person so to be apprehended and kept safely locked up in some secure Place within the County or Precinct where such Parish, Town, or Place shall lie, as such Justices shall under their Hands and Seals direct and appoint, and if such Justices find it necessary to be there chained, if the last legal Settlement of such Person shall be in any Parish, Town, or Place within such County or Precinct; and if such Settlement shall not be there, then such Person shall be sent to the Place of his or her last legal Settlement by a Pass, *mutatis mutandis*, as aforesaid, and shall be locked up or chained, by Warrant of two Justices of the County or Precinct to which such Person is so sent in Manner aforesaid; and the reasonable Charges of removing and of keeping, maintaining, and curing such Person during such Restraint (which shall be for and during such Time only as such Lunacy or Madness shall continue) shall be satisfied and paid, such Charges being first proved upon Oath, by Order of two or more Justices of the Peace, directing the Churchwardens or Overseers where any Goods, Chattels, Lands, or Tenements of such Person shall be, to seize and sell so much of the Goods and Chattels, or receive so much of the annual Rents of the Lands and Tenements as is necessary to pay the same, and to account for what is so seized, sold, or received to the next Quarter Sessions; but if such Person hath not an Estate to pay and satisfy the same, over and above what shall be sufficient to maintain his or her Family, then such Charges shall be satisfied and paid by the Parish, Town, or Place to which such Person belongs, by Order of two Justices directed to the Churchwardens or Overseers for that Purpose: Be it enacted, That in case there shall be a Lunatic Asylum established under the Directions of this Act for the County or District of united Counties within which the Parish to which any lunatic or mad Person, apprehended by virtue of the above recited Act, belongs, shall be situated, then such Justices of the Peace who shall by virtue of the above recited Act issue any Warrant for the Confinement of such lunatic or mad Person, shall, in the Body of such Warrant so issued, by them, direct and order that such lunatic or mad Person shall be confined in such Lunatic Asylum and not elsewhere; but if no such Lunatic Asylum shall have been established, then and in such Case it shall and may be lawful for such Justices, if they think fit, to order and direct by such Warrant that such lunatic or mad Person shall be confined in any House duly licensed for the Reception of Lunatics under the Authority of an Act passed in the fourteenth Year of the Reign of his present Majesty, intituled, "An Act for regulating Mad-houses," although such House may not be situated within the County where the Parish to which such lunatic or mad Person belongs, shall lie.

XX. 'And whereas it sometimes happens, that by reason of the Lunacy and Madness of such Persons, the Place of their Legal Settlement cannot be ascertained; be it enacted, That in case the Place of the last legal Settlement of any lunatic or mad Person, apprehended by virtue of the above recited Act, cannot be ascertained, then the Justices who shall have caused such Person to be apprehended shall by their said Warrant direct such Person to be confined in the Lunatic Asylum for the County or District of united Counties within which such Person shall have been apprehended, if any such Asylum shall have been established, and not elsewhere; or if no such Asylum shall have been established, in some House duly licensed for the Reception of Lunatics as aforesaid, or in some other secure Place as directed by the said recited Act: and if such Person have not an Estate to pay and satisfy the reasonable Charges of removing, and of keeping, maintaining, and curing such Person under the Authority of the said recited Act, then such Charges shall be satisfied and paid by the Treasurer of the County within which such Person shall be apprehended, out of the County Rates, by Order of two Justices to him directed for that Purpose.

No. 4.  
George III.  
c. 96.

Where the legal Settlement of Lunatics cannot be discovered, Justices shall send them to the Lunatic Asylum, &c.  
See § 19.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to render any Lunatic Asylum which may be provided under the Authority of this Act for the Use of any County or united Counties liable to the Reception of Lunatics, or in any Persons who may be chargeable to or apprehended in any City, Town, Precinct, Parish, Township, or Place situate within the Limits of such County or united Counties, but claiming Exemption, and being exempt from contributing to the County Rate, unless such City, Town, Precinct, Parish, Township, or Place shall have agreed to unite, and shall thereby have contributed to the Expence of the same under the Powers hereinbefore given in this Act.

Lunatic Asylum shall not be liable to Reception of Lunatics chargeable to any Place not contributing.

XXII. 'And whereas in many Parts of this Kingdom Lunatic Asylums have been built and established, and others may hereafter be built and established, by voluntary Contribution, for the Reception and Care of Lunatics of all Descriptions, contributing to the general Charge of Maintenance, Medicines, and Care, by certain weekly Payments, according to the pecuniary Circumstances of the Parties respectively, or of their immediate Connections, the Excess of Payments of the more affluent being applied to relieve and lower the Payments of Persons in more limited Circumstances: And whereas it is fit and expedient to support and encourage such laudable Institutions, and it may be of great Advantage that Asylums intended by this Act to be erected for Pauper Lunatics should be united to or connected with such Institutions by voluntary Subscription,' be it enacted, That at any Meeting of the Justices of the Peace to be held as aforesaid in any County for the Purpose of considering and determining on the Expediency and Propriety of providing a Lunatic Asylum or

Justices may agree to unite with Asylums established by voluntary Contributions.

No. 4. House of Reception for Lunatics or other insane Persons, if it  
 45 George III. shall appear to the major Part of the Justices so assembled,  
 c. 96. that it would be expedient to unite and join with any Lunatic  
 Asylum so built and established by voluntary Contribution, or  
 so intended to be built and established, it shall be lawful for  
 § 3, 4. the Justices so assembled to appoint a Committee (in Manner  
 herein-before \* directed to be appointed to treat with any ad-  
 joining County or Counties) to treat with and enter into and  
 subscribe an Agreement with a Committee of Governors, Di-  
 rectors, or Subscribers to such Voluntary Institution, such  
 Committee being authorized and appointed by a Majority of  
 such Subscribers, to be called by Public Advertisement as  
 aforesaid for the express Purpose of making such Appointment;  
 and all Provisions herein-before directed in regard to Counties  
 treating and agreeing with each other, shall be adhered to and  
 be effectual, so far as the same will apply, or as the different  
 Circumstances of the Two Cases will admit; and the Number  
 of the Committee of Directors, Governors, or subscribers, ap-  
 pointed by the Subscribers, shall not exceed the Number of  
 the Committee of Justices to be appointed by the Justices of  
 the Peace on the Part of the County; and such Committee of  
 Subscribers, or the major Part of them, shall be competent to  
 enter into and subscribe any Agreement, to all Intents and  
 Purposes, as fully and effectually as any Committee appointed  
 under this Act on the Part of any County uniting to treat with  
 any other County so uniting: Provided always, no Agreement  
 so made by any Committee of Justices shall be valid and have  
 force on the Part of the County, until the same shall have been  
 submitted to and approved by the Majority of the Justices of  
 the Peace of the County assembled at the next ensuing General  
 Quarter Sessions which shall be held after such Agree-  
 ment shall have been entered into.

Penalty on  
 Servants in  
 Asylum suffer-  
 ing Lunatics to  
 go at large with-  
 out Order of  
 Justices, vol. 2 to  
 409.

XXIII. And be it further enacted, That all Lunatics,  
 insane Persons, or dangerous Idiots so committed to such  
 Asylum, shall be safely kept, and that no such Person shall be  
 suffered to quit the said Asylum, or to be at large until the  
 Visiting Justices, or the greater Part of them, shall order the  
 Discharge of such Person, and shall signify the same in  
 Writing under their Hands and Seals; and that if any Officer,  
 Servant, or Assistant in such Asylum shall notwithstanding,  
 through Neglect or Connivance, permit such Person in any  
 Case to escape and be at large without such Order as aforesaid,  
 he or she shall for every such Offence forfeit and pay a Sum  
 not exceeding ten Pounds, nor less than forty Shillings, to be  
 recovered by Distress and Sale of the Offender's Goods and  
 Chattels, by Warrant under the Hands and Seals of any two  
 Justices of the Peace acting for the County within which such  
 Asylum shall be situated; which Warrant such Justices are  
 hereby required to grant, upon the Confession of the Party,  
 or upon the Information of any Witness or Witnesses upon  
 Oath (which Oath such Justices are hereby empowered to  
 administer); and the said Penalty, after the Charges of

recovering the same shall be deducted, shall be paid one Moiety to the Informer, and the other Moiety to the Treasurer of the said Asylum, to be applied to the Use of the same. No. 4.  
§ George III.  
c. 96.

XXIV. And be it further enacted, That in all Cases where any such Lunatic Asylum shall have been established under the Authority of this Act, the Visiting Justices appointed as aforesaid to superintend the same, or the major Part of them, such major Part not being fewer than Five, shall from Time to Time make such Regulations as to them shall seem expedient for the Management and Conduct thereof, in which Regulations shall be set forth the Number and Description of Officers and Servants to be kept, the Duties to be required, and what Salaries shall respectively be paid to them; and may appoint a Treasurer, and such other Officers and Servants, together with such Number of Assistants as they shall from Time to Time find necessary in proportion to the Number of Persons confined in such Asylum, and may dismiss any such Officer, Servant, or Assistant if they see Occasion; and shall from Time to Time fix a certain weekly Rate to be paid for each Person confined in such Asylum, which may be sufficient to defray the whole Expence of the Maintenance and Care, Medicines and Clothing requisite for such Person, and the Salaries of the Officers and Attendants; provided always, that such Rate shall in no Case exceed fourteen Shillings *per Week*; and that the said Visiting Justices shall annually audit the Accounts of the Treasurer, and report the same to the next General Quarter Sessions of the Peace to be holden for the Counties at the Expence of which such Asylum has been established. Visiting Jus-  
tices shall regu-  
late Asylums,  
appoint Offi-  
cers, &c.  
See § 2.

XXV. And be it further enacted, That such Visiting Justices may from Time to Time order all such Repairs or other Expences as may be necessary for such Lunatic Asylums, and shall direct the same to be paid by an Order upon the County Treasurer, where such Asylum shall be established by one County only, or shall apportion the same as aforesaid upon each County where such Asylum is established for a District of united Counties, and shall make an Order upon the Treasurer of each of the said united Counties for the Payment of the Proportion to be paid by such County and that such County Treasurer shall immediately discharge the same out of any Money which may then be in his Hands, under the Penalty of Double such Sum as he shall be directed to pay, to be recovered from him for the Benefit of such Asylum by Action in any of his Majesty's Courts at *Westminster* by the Treasurer of the said Asylum. Visiting Jus-  
tices shall direct  
Repairs of Asy-  
lum, &c.

XXVI. And be it further enacted, That in all future Rates, Taxes, and Levies to be made for any Parish or Place in which any Land or Ground to be purchased for the Purposes of this Act shall be situate, such Land or Ground with any Building to be erected thereon shall not be assessed to any such Rates, Taxes, or Levies, at a higher Value or more improved Rent than the same Land or Ground was at the Time of such Purchase; nor shall any Building or Buildings, which, under this Asylum ex-  
empted from in-  
creased Rates;  
and from  
Window Tax.

No. 4. Act shall be erected on such Land, be assessed to any House  
48 George III. or Window Tax, any Act or Acts of Parliament to the contrary notwithstanding.  
c. 96.

39 & 40 G. 3  
c. 94. § 2.

When insane  
Persons charged  
with Murder  
are kept in Custody under recited Act, Justices shall enquire into their Settlement, and make Order for their Maintenance.

Appeal to  
Quarter Sessions.

XXVII. ' And whereas by an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, ' and intituled, " An Act for the safe Custody of insane Persons charged with Offences," it is enacted, that in certain Cases therein specified it shall be lawful for Courts of Justice ' to direct insane Persons to be kept in strict Custody, in such ' Place and in such Manner as to such Courts shall seem fit, ' until his Majesty's Pleasure shall be known; and that it shall ' thereupon be lawful for His Majesty to give such Order for ' the safe Custody of such Persons during His Pleasure in such ' Place and in such Manner as to His Majesty shall seem fit : ' And whereas it is expedient that Provision should be made ' for the due Maintenance and Care of such Persons while they ' shall be so kept in Custody ;' be it enacted, That in all Cases where any Person shall by virtue of the above last recited Act be kept in such Custody as a lunatic or insane Person, by Order of any Court or by His Majesty's Order subsequent thereto, it shall and may be lawful for any two Justices of the Peace of the County where such Person shall be so kept in Custody, to enquire into and ascertain by the best legal Evidence that can be procured under the Circumstances of personal legal Disability of such Lunatic, the Place of the last legal Settlement, and the Circumstances of such Person; and if it shall not appear that he or she is possessed of sufficient Property which can be applied to his or her Maintenance, to make Order upon such Parish where they shall adjudge him or her to be legally settled, to pay such weekly Sum for his or her Maintenance in such Place of Custody as such Court or his Majesty shall appoint, as shall from Time to Time be fixed upon and directed in Writing by One of His Majesty's Principal Secretaries of State; and that where such Place of Settlement cannot be ascertained, such Allowance shall be paid by the Treasurer of the County where such Person shall have been apprehended; but if it shall appear that such Person is possessed of such sufficient Property as aforesaid, then such Justices shall order and direct the same to be applied to pay and satisfy the Expence of the Maintenance of such Person, in the Manner directed in the Case of Lunatics and mad Persons by the above recited Act, passed in the Seventeenth Year of King George the Second: Provided always, that the Churchwardens and Overseers of such Parish in which the said Justices shall adjudge any Lunatic to be legally settled, or the major Part of them, may appeal against such Order to the General Quarter Sessions of the Peace to be holden for the County where such Order shall be made, in like Manner, and under like Restrictions and Regulations as against any Order of Removal, giving reasonable Notice thereof to the Clerk of the Peace of such County, who shall be Respondent in such Appeal; which said Appeal the Justices of the Peace assembled at the said General Quarter

Sessions are hereby authorized and empowered to hear and determine, in the same Manner as other Orders of Removal are now heard and determined. No. 4.  
George III.  
c. 96.

XXVIII. And be it further enacted, That all Provisions Directions, Clauses, Matters, and Things whatever in this Act contained relating to Counties, shall extend and be construed to extend to all Ridings, Divisions, Cities, Towns, Liberties, and Places possessing separate Jurisdictions; and if relating to Parishes, shall extend and be construed to extend to all Villis, Townships, and Places maintaining their own Poor, as fully and amply as if they were severally and respectively repeated in every such Provision, Direction, and Clause, and with relation to any such Matter or Thing. Provisions as  
to Counties ex-  
tended to Rid-  
ings, &c.

#### SCHEDULE No. 1.

Form of Agreement for uniting the Counties or Ridings, &c. [as the Case may be] of A. B. and C.; for the Purpose of providing a Lunatic Asylum or House for the Reception of Lunatics and Insane Persons, pursuant to the Statute of the Forty-eighth Year of King George the Third.

IT is agreed this Day of by and between the Committees of Justices of the Peace severally appointed for the Counties [or Ridings, Cities, &c. as the Case may be] of A. B. C. to treat for the uniting of the said Counties for the Purposes of an Act (for the better Care and Maintenance of Paupers and Criminal Lunatics) passed in the Forty-eighth Year of his Majesty King George the Third, that the said Counties [&c. as the Case may be] shall from henceforth be united for the Purposes of the said Act, and adopt in all Respects the Provisions, Rules, Orders, and Regulations, and comply with all the Requisites prescribed by the said Act for Counties uniting for those Purposes; and that a Lunatic Asylum or House for the Reception of Lunatics and other Insane Persons, with all necessary Buildings, Courts, Yards, and Outlets, shall be immediately provided at or near and properly fitted up and accommodated for the Purposes mentioned in the said Act; and that the necessary Expences attending upon the providing, building, fitting up, Repairs and Maintenance of the said Lunatic Asylum, shall be defrayed by the said Counties so united, in the following Proportions, that is to say;

The County of A. Four-ninths of the said Expences.

The County of B. Three-ninths of the same.

The County of C. Two-ninths of the same [or as the Case may be.]

And we do further agree, That the Committee of Visiting Justices to superintend the Building, Erection, and Management of the said Lunatic Asylum, shall consist of Eighteen, [or, as the Case may be]; whereof the Justices of the Peace for

No. 4. the said County of *A.* shall appoint Eight, the Justices of the  
 48 George III. Peace for the County of *B.* shall appoint Six, and the Justices  
 c. 96. of the Peace for the County of *C.* shall appoint Four: And  
 hereunto we, the undersigned Justices of the Peace, being the  
 major Part of each of the said Committees of Justices for the  
 said several Counties, do, on the Part and Behalf of the said  
 Counties, set out Hands and Seals, this            Day of  
 in the Year

#### SCHEDULE No. 2.

Form of Mortgage and Charge upon the County Rates  
 for securing the Money borrowed.

WE *A. B.* One of his Majesty's Justices of the Peace and  
 Chairman of the Court of Quarter Sessions of the Peace for the  
 County, &c. of            [as the Case shall be] holden at  
 the            Day of            *C. D.* and *E. F.* Esquires, Two  
 other of his Majesty's Justices of the Peace acting for the said  
 County, &c. and assembled in the said Court, in pursuance  
 of the Powers to us given by an Act passed in the Forty-eighth  
 Year of the Reign of His Majesty King George the Third, in-  
 titled, "[&c. here insert the Title of the Act]" Do hereby in open  
 Court mortgage and charge all the Rates to be raised within  
 the said County, [&c. as the Case shall be] under the Descrip-  
 tion of County Rates by the Laws now in being, with the  
 Payment of the Sum of            which *G. H.* of            hath  
 proposed and agreed to lend, and hath now actually advanced  
 and paid towards defraying the Expences of purchasing Lands  
 for building, repairing, [&c. as the Case shall be] the Lunatic  
 Asylum for the said County, [&c. or the United Counties of, &c.  
 as the Case may be] And we do hereby confirm and establish  
 the same unto the said *G. H.* his Executors, Administrators,  
 and Assigns, for securing the Repayment of the said Sum of  
 and Interest for the same, after the Rate of  
 per Centum per Annum, and do order the Treasurer for such  
 County, &c. or other Person [as the Case shall be] to pay the  
 Interest of the said Sum of            Half-yearly, as the same  
 shall become due, until the Principal shall be discharged, pur-  
 suant to the Directions of the said Act.

#### No. 5.

55 George III. c. 46. — An Act to amend an Act passed  
 in the Forty-eighth Year of the Reign of His present  
 Majesty, intituled, "An Act for the better Care  
 and Maintenance of Lunatics, being Paupers or  
 Criminals, in England. [2d May 1815.]

No. 5.  
 55 George III.  
 46. **W**HEREAS an Act was made in the Forty-eighth Year of  
 the Reign of His present Majesty, intituled, "An Act  
 for the better Care and Maintenance of Lunatics, being Pau-

pers or Criminals, in *England* ;” And whereas it is expedient that the said Act should be amended ; be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which it shall have been or may hereafter be determined that a Lunatic Asylum shall be erected under the Provisions of the said recited Act, it shall be lawful for the Justices of the Peace acting in and for the County or united Counties at whose Expence such Lunatic Asylum shall have been or shall be erected, annually, at the *Michaelmas* General Quarter Sessions of the Peace to be held for such County or Counties respectively, or, in Counties where Annual General Sessions have been held by Law, at such Annual General Sessions to elect the Members of the Committee of Visiting Justices, for the Building, Erection, and Management of such Asylum ; and that it shall be lawful for the Justices of the Peace acting in and for such County or Counties, or the major Part of them, such major Part not being less than seven, assembled at any Annual General or Quarter Sessions of the Peace to be held for such County or Counties respectively, or any Adjournment thereof, to fill up any Vacancy in the Number of Visiting Justices so appointed as aforesaid, that may have occurred by the Death or Resignation of any such Visiting Justice.

No. 5.  
George III.  
c. 46.

Committee  
of Visiting Jus-  
tices of Lunatic  
Asylums to be  
elected annual-  
ly.

Vacancies to  
be filled up.

II. And be it further enacted, That if the Justices assembled at the *Michaelmas* General Quarter Sessions of the Peace, or Annual General Session in any Year, shall omit or neglect to make such Election as aforesaid, or if the Justices assembled at any Annual General or Quarter Sessions, or any Adjournment thereof, shall neglect or omit to fill up any Vacancy that may have occurred as aforesaid, the Committee of Visiting Justices before appointed, or such of them as shall continue to act, shall be deemed and taken to be the legal Committee of Visiting Justices, for the Building, Erection and Management of such Asylum, until the next *Michaelmas* General Quarter Sessions of the Peace or Annual General Session.

In case such  
Election be  
neglected the  
Visiting Jus-  
tices continuing  
to act deemed  
the Committee.

III. And be it further enacted, That the Subscribers to any Lunatic Asylum erected or to be erected by voluntary Contributions, who may have united or who may hereafter unite with any County or Counties, under the Provisions of the said recited Act, or the Majority of such Subscribers present at a General Meeting to be held in the Month of *October* in every Year, of which due Notice shall be given by public Advertisement in some Newspaper circulated within the County in which such Lunatic Asylum shall be situate, shall annually elect their Committee of Governors, Directors or Subscribers, for the Purpose of acting with the Committee of Visiting Justices appointed or to be appointed on behalf of such County or Counties, for the Building, Erection, and Management of such Asylum, in the Manner prescribed by the said recited Act ; and that it shall be lawful for the Subscribers to any such

Subscribers to  
Lunatic Asy-  
lums who may  
unite with any  
County or  
Counties annu-  
ally may elect a  
Committee of  
Governors to  
act with Com-  
mittee of Visit-  
ing Justices.



No. 5. Asylum erected or to be erected by voluntary Contributions  
 55 George III. as aforesaid, or the major Part of them present at any General  
 c. 46. Meeting to be called for that Purpose, of which due Notice shall be given as aforesaid, to fill up any Vacancy in the Number of such Committee of Governors, Directors or Subscribers as aforesaid, that may have occurred by the Death or Resignation of any Member of such Committee.

In case of neglect to make Election, the Governors continuing to act shall be deemed the Committee

IV. And be it further enacted, That if no such Annual Meeting as aforesaid shall take place, or the Subscribers assembled at such Meeting shall fail to make such Election as aforesaid, then the Governors, Directors or Subscribers, before appointed to act with the Committee of Visiting Justices appointed or to be appointed by such County or Counties, for the Building, Erection and Management of such Asylum, or such of them as shall continue to act, shall be deemed and taken to be a legal Committee, for the Purpose of acting with such Committee of Justices as aforesaid, until the next General Annual Meeting of Subscribers to such Lunatic Asylum.

Clerk may convene new Meetings.

V. And be it further enacted, That if any Committee of Visiting Justices, or of Visiting Justices united with any Committee of Governors or Directors or of Subscribers to any Lunatic Asylum erected or to be erected by voluntary Contributions, shall neglect to adjourn any Meeting held for the Purposes of the said recited Act, or where any unforeseen Circumstance shall occur, rendering the Meeting of such Committee necessary within the Period to which their Meeting may have been adjourned, it shall be lawful for the Clerk to such Committee to convene a new Meeting, by a Circular Letter to each Member of such Committee, informing him of the Time and Place of such Meeting: Ten Days at least before the same shall be held.

Justices to fix Sums to be expended in Purchase of Lands, Houses, &c. or in erecting Buildings.

VI. And be it further enacted, That in every Case in which a Lunatic Asylum shall have been or shall hereafter be erected by any County under the Provisions of the said recited Act, it shall be lawful for the Justices of the Peace of such County, or the major Part of them (such major Part not being less than Seven) assembled at any Annual General or Quarter Sessions of the Peace or any Adjournment thereof to be held for such County, from Time to Time to fix and limit the Sums which may be expended on the Purchase of Lands or Houses, or in the Erection of new Buildings, or in the Extension or Alteration of existing Buildings for the Purpose of such Lunatic Asylum, or the Yards, Outlets or Courts thereunto belonging, as well on the first Establishment of such Lunatic Asylum, as at any Time during its Continuance; and it shall not be lawful for the Committee of Visiting Justices appointed for the Building, Erection and Management of such Asylum, to enter into any Contract or Contracts for the Purchase of Lands or Houses, or for the Erection of new Buildings, or for the Extension or Alteration of existing Buildings for the Purpose of such Lunatic Asylum, or the Yards, Outlets and Courts thereunto belonging, at a Sum or Sums which may in the whole

exceed the Sums so from Time to Time limited and appointed by the Justices assembled in Sessions as aforesaid; and no Contract so entered into by such Visiting Justices shall be held to be valid or legal. No. 5.  
55 George III.  
c. 46.

VII. And whereas it is in the said recited Act enacted, That the Weekly Rate to be fixed by the Committee of Visiting Justices, to be paid for each Pauper confined in any Lunatic Asylum, shall in no Case exceed Fourteen Shillings per Week: And whereas it may be necessary that such Weekly Rate should, in certain Cases, be increased; be it further enacted, That it shall be lawful for the Justices of the Peace acting in and for any County at whose Expence any Lunatic Asylum shall have been or shall be hereafter erected, or the major Part of them assembled at any Annual General or Quarter Sessions of the Peace to be held for such County, or any Adjournment thereof (such major Part not being less than Seven) to make such Addition to such Weekly Rate as to them shall seem fit and necessary, and to make an Order accordingly; which Order shall be signed by the Clerk of the Peace, or his Deputy, on behalf of the Court, and forthwith published in some Newspaper circulated within the County; and such additional Rate shall be paid by the Overseers of the Poor of the Parishes, Townships or Places, to which the Lunatics in such Asylum respectively belong, in the same Manner as is provided by the said recited Act with regard to the Weekly Rate from Time to Time to be fixed on by the Visiting Justices for the Maintenance, Medicine, Clothing, and Care of such Lunatics. Weekly Rate  
for Paupers  
may be increas-  
ed by Justices.

VIII. And be it further enacted, That it shall be lawful for the Justices of the Peace acting in and for any County, at their several Petty Sessions, to issue their Warrants to the Overseers of the Poor of the Parishes, Townships and Places, within their several Subdivisions, to return true Lists of all Lunatics and dangerous Idiots, being Paupers, within their respective Parishes, specifying the Name, Sex, and Age, of each Lunatic and Idiot, and whether such Lunatic be dangerous or otherwise; and for what Length of Time such Lunatics shall have been disordered in their Senses; and the Overseers of the Poor of the Parishes aforesaid shall, on the Receipt of such Warrants, forthwith prepare and return such Lists accordingly; and such Lists shall be verified on Oath before the Justices of the Peace at their Petty Sessions as aforesaid, and accompanied with a Certificate from a Medical Practitioner, as to the State and Condition of each Lunatic or dangerous Idiot; and any Overseer of the Poor to whom any such Warrant shall have been directed and delivered, who shall refuse or neglect to prepare such List, or to return the same at the Time and Place by such Warrant fixed, with such Certificate as aforesaid, or to verify such List on Oath, shall for every such Offence be subject to such Fine as Overseers of the Poor and other Parish and Peace Officers are subject for neglect of Duty, under an Act passed in the Thirty-third Year of His Overseers of  
Poor to return  
" of Lu-  
and Id-  
within their  
pective Pa-  
rishes, verified  
on Oath, and  
accompanied  
with Certificate  
from a Medical  
Practitioner.

No. 5. present Majesty's Reign, intituled, "An Act to authorize  
 55 George III. Justices of the Peace to impose Fines on Constables, Overseers,  
 c. 46. and other Peace or Parish Officers for neglect of Duty, and on  
 Masters of Apprentices for ill usage of such their Apprentices;  
 and also to make Provision for the Execution of Warrants of  
 Distress granted by Magistrates;" and such Fine shall be im-  
 posed, levied and enforced in the Manner in the said Act di-  
 rected; and the Justices aforesaid shall cause the said Lists to  
 be forthwith transmitted to the Clerk of the Peace, or his De-  
 puty, to be by him laid before the Justices of the Peace acting  
 in and for such County, at their next General Quarter Sessions  
 of the Peace or General Annual Session: And it shall be law-  
 ful for such Overseers of the Poor to defray the necessary Ex-  
 pences of the Examination of such Lunatics or dangerous Idiots,  
 by a Medical Practitioner out of the Poor Rates of the Parishes  
 to which such Lunatics or Idiots respectively belong; or where  
 the legal Settlement of any such Lunatic or Idiot shall not have  
 been ascertained, then out of the Poor Rates of the Parish in  
 which such Lunatic or Idiot shall reside.

Lists to be laid  
 before General  
 Quarter Ses-  
 sions.

Expences of  
 Examination of  
 Lunatics, &c.,  
 to be paid by  
 Parishes.

Visiting Jus-  
 tices may dis-  
 charge Lun-  
 atics.

IX. And whereas it may happen, that Lunatics, by the  
 Provisions of the Laws now in force, may be unnecessarily de-  
 tained in any Lunatic Asylum after their Recovery, during the  
 Intervals of Meetings of the Committee of Visiting Justices, or  
 by reason of the Non-attendance of a sufficient Number of  
 Visiting Justices, at any Meeting of such Committee; be it  
 further enacted, That it shall be lawful for any Two Visiting  
 Justices at any Time, by and with the Advice and Consent  
 of the Medical Superintendent of such Asylum, to discharge  
 from such Asylum any Lunatic confined therein, whose perfect  
 Recovery may be certified by the said Medical Superintendent.

Returns to be  
 taken on the  
 last Returns of  
 Population.

X. And whereas it is enacted by the said recited Act of  
 the Forty-eighth Year of His present Majesty's Reign, that  
 where any two or more Counties shall think fit to unite, the  
 Proportion of the Expences necessary for carrying into Execu-  
 tion the Purposes of the said Act, to be charged and assessed  
 upon the several Counties so uniting, shall be calculated upon  
 the Numbers of the respective Population of the said several  
 Counties, as stated in the Returns made in pursuance of an  
 Act, passed in the Forty-first Year of His Majesty's Reign,  
 intituled, "An Act for taking an Account of the Population of  
*Great Britain*, and of the Increase and Diminution thereof;"  
 be it hereby further enacted, That in all Cases of the Union  
 of any two or more Counties, or of the Union of any Place  
 or Places of distinct Jurisdiction with any such County or  
 Counties, the Proportion of the Expences necessary for carry-  
 ing into Execution the Purposes of the said recited Act, or of  
 an Act passed in the Fifty-first Year of the Reign of His pre-  
 sent Majesty, intituled, "An Act to amend an Act of the  
 Forty-eighth Year of His present Majesty, for the better Care  
 and Maintenance of Lunatics, being Paupers or Criminals, in  
*England*," or of this Act, shall be calculated upon the Numbers  
 of the respective Population of the said several Counties and

41 Geo. 3. Sess.  
 1. c. 15

51 Geo. 3 c. 79.

Places as shall have been stated in the last Returns of the said Population, which shall have been made under the Authority of Parliament previous to the Union of such Counties. No. 5.  
George III.  
c. 46.

XI. Provided always, and be it further enacted, That the Number of Visitors to be appointed by any such Place of distinct Jurisdiction so uniting with any County or Counties, shall bear the same Proportion to the Number of Visiting Justices appointed by such County or Counties, as the Population of such Place shall bear to the Population of such County or Counties, and shall in no Case exceed such Proportion. Limiting the  
Number of Vi-  
sitors.

XII. Provided always, and be it further enacted, That whenever and so often as it shall appear to the Justices of the Peace acting in and for any County or Counties at whose Expence any Lunatic Asylum shall have been erected, or the major Part of them, such major Part not being less than seven, assembled at any General Quarter Sessions of the Peace or General Annual Session, that the Space within such Asylum is more than sufficient for the Accommodation of Lunatics, being Paupers, within the District or Districts for which such Asylum shall have been built, it shall and may be lawful for such Justices so assembled to make Order for the Admission of so many Lunatic Patients as to them shall seem expedient, not being Pauper or Criminal, or being Paupers but belonging to any other County, or to any Parish, Township or Place within the County or Counties by which such Asylum shall have been erected, which may be exempt from contributing to the County Rate of such County or Counties, and which shall not have united with such County or Counties, or contributed to the Expence of such Erection, under the Conditions and Regulations following, that is to say, That no such Lunatic Patient shall be admitted into such Asylum without an Order signed by one Visiting Justice, directed to the Governor or Superintendent of such Lunatic Asylum, nor without the Certificate in Writing of a regular Practitioner in Medicine, certifying the Lunacy of such Patient, nor without an Undertaking signed by two substantial Householdors, or the Minister and one of the Churchwardens, or one of the Overseers of the Poor of the Parish or Place within which such Lunatic shall be resident at the Period of Application made for the Admission of such Patient into such Asylum, for the due Payment of the Weekly Allowance and other Expences contingent upon the Maintenance and Care of such Lunatic, during the Time of his or her Continuance in such Asylum, as well as for the Removal of such Lunatic from such Asylum, within three Days after due Notice given in Writing by the Governor or Superintendent of such Asylum, by the Order of one or more Visiting Justice of such Asylum, under the Penalty of fifty Pounds, to be recovered and applied as other Penalties are directed to be recovered and applied by virtue of this or any other Acts of Parliament, passed for the building and maintaining of Asylums for the Reception of Pauper Lunatics: Provided always, that the Weekly Provision for the Maintenance of such Pati-

When any  
Asylum can  
accommodate  
more Lunatics,  
Magistrates  
may order an  
Addition under  
certain Regula-  
tions.

- No. 5. ents, not being Paupers, shall be fixed by the Visiting Justices,  
55 George III. at such Rate, as shall in their Judgment be sufficient to cover  
c. 46. every Expence liable to be incurred for or on account of each  
such Patient respectively; and that in no Case such Weekly  
Provision shall be fixed at a Sum less than a Sum exceeding by  
one-third the Weekly Sum paid at such Time by the Parishes  
within such District or Districts, for the Maintenance of the  
Patients thereto belonging respectively, together with such  
extra Charge for Clothing and Medicine, as may be incurred  
during the Continuance of such Patient in such Asylum, under  
the Sanction of the Visiting Justices thereof.

## PART VI. CLASS XXVI.

### PAWNBROKERS.

#### No. 1.

9 and 40 George III. c. 99. — An Act for better regulating the Business of Pawnbrokers. [28th July 1800.]

WHEREAS an Act was passed in the thirty-sixth Year of the Reign of his present Majesty, intituled, “An Act for regulating the Trade or Business of Pawnbrokers,” which was to be in force for three whole Years, and from thence until the End of the then next Session of Parliament, and no longer; And whereas it is expedient that Provision should be made for more effectually regulating the Trade or Business of Pawnbrokers, from the Time when the said Act will expire: May it therefore please your Majesty that it may be enacted; and be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act passed in the thirty-sixth Year of the Reign of his present Majesty, for regulating the Trade or Business of Pawnbrokers, shall be, and the same is hereby declared to be in full Force and Effect until the Expiration of the present Session of Parliament, and from and after such Expiration this Act shall commence and take effect, and be put in Execution, instead of the said recited Act.

II. And be it further enacted, That upon and from the Commencement of this Act, it shall be lawful for all Persons using and exercising the Trade or Business of a Pawnbroker, to demand, receive, and take of and from all and every Person and Persons applying or offering to redeem any Goods or Chattels pawned or pledged with such Pawnbroker, a Profit, after the following Rates, over and above the principal Sum and Sums which shall have been lent and advanced upon the respective Pledge or Pledges, before any such Pawnbroker shall be obliged to re-deliver the same; (*videlicet*,)

For every Pledge upon which there shall have been lent any Sum not exceeding two Shillings and Sixpence, the Sum of one

No. 1.  
39 & 40 George III. c. 99.  
36 Geo. 3. c. 87. recited, and continued till the End of this Session only.

Pawnbrokers allowed to take certain Rates.

Rates.

No. 1. Halfpenny for any Time during which the said Pledge shall remain in Pawn not exceeding one Calendar Month, and the same for every Calendar Month afterwards, including the current Month in which such Pledge shall be redeemed, although such Month shall not be expired :

For every Pledge upon which there shall have been lent the Sum of five Shillings, one Penny :

For every Pledge upon which there shall have been lent seven Shillings and Sixpence, one Penny Halfpenny :

For every Pledge upon which there shall have been lent ten Shillings, two Pence :

For every Pledge upon which there shall have been lent twelve Shillings and Sixpence, two Pence Halfpenny :

For every Pledge upon which there shall have been lent fifteen Shillings, three Pence :

For every Pledge upon which there shall have been lent seventeen Shillings and Sixpence, three Pence Halfpenny :

For every Pledge upon which there shall have been lent one Pound, four Pence : and so on progressively and in proportion for any Sum not exceeding forty Shillings :

For every Pledge upon which there shall have been lent any Sum of Money exceeding forty Shillings and not exceeding forty-two Shillings eight Pence :

And for every Pledge upon which there shall have been lent any Sum exceeding forty-two Shillings and not exceeding ten Pounds, at and after the Rate of three Pence and no more, (1.) for the Loan of every twenty Shillings for all such Money so lent, by the Calendar Month, including the current Month ; and so in proportion for any fractional Sum :

Which said several Sums shall be taken in lieu of and as a full Satisfaction for all Interest due, and Charges for Warehouse Room.

When the intermediate Sum lent exceeds 2s. 6d. but does not exceed 40s. the Rate of 4d. for the Loan of 20s. by the Month to be paid.

III. And be it further enacted by the Authority aforesaid, That in all Cases where any intermediate Sum lent upon any Pawn or Pledge shall exceed the Sum of two Shillings and Sixpence and not exceed the Sum of forty Shillings, the Person lending the same shall and may take, by way of Profit as aforesaid, at and after the Rate of four Pence and no more, for the Loan of twenty Shillings by the Calendar Month, including the current Month as aforesaid.

Pawnbrokers to give Farthings in Change.

IV. Provided always, and be it further enacted, That in all Cases where the Sum to be demanded, received, and taken by any Pawnbroker or Pawnbrokers, his, her, or their Servant or Agent, of and from any Person or Persons applying or offering to redeem any Goods or Chattels pawned or pledged with such Pawnbroker or Pawnbrokers, either as Profit upon any Sum lent, or as Part Principal and Part Profit, shall amount to a total Sum of which the Piece of Money of the

(1.) The taking a greater Rate subjects the Pawnbroker to the Penalties imposed by Section 26; and the Allowance of the specified Rate is not merely a Dispensation from the Law of Usury. *Rex v Beard*, 12 L. 673.

lowest Denomination shall be one Farthing: and where the Person or Persons so applying or offering to redeem such Goods or Chattels shall have paid down the Sum due for such Principal and Profit, or for such Profit only (as the Case may be) except the last remaining Farthing, and shall not be able to produce and pay to such Pawnbroker or Pawnbrokers, his, her, or their Servant or Agent, a current Farthing, and which shall be to the Satisfaction and Liking of such Person or Persons to receive the same, but shall in lieu thereof tender to such Person or Persons to receive the same one Halfpenny, in order to discharge the said remaining Farthing so due as aforesaid, the said Pawnbroker or Pawnbrokers, his, her, or their Servant or Agent, to whom such Tender of a Halfpenny for such Purpose as aforesaid shall be made, shall, in Exchange thereof, deliver unto such Person or Persons so redeeming Goods as aforesaid, one good and lawful Farthing, of the current Coin of this Kingdom, or in Default thereof shall wholly abate the said remaining Farthing from the total Sum to be received by him or them of such Person or Persons so redeeming Goods or Chattels as aforesaid.

No. 1.  
39 & 40 George  
III. c. 99.

V. Provided always, and be it further enacted, That in all Cases where the Party or Parties entitled to and applying for the Redemption of Goods pawned within the Space of seven Days after the Expiration of the first Calendar Month after the same shall have been pledged, he, she, or they shall and may be at Liberty to redeem the same without paying any Thing by way of Profit to the Pawnbroker for the said seven Days, or such Part thereof as shall then have elapsed; and that in all Cases where the Party or Parties so entitled, and applying as aforesaid after the Expiration of the said first seven Days, and before the Expiration of the first fourteen Days of the second Calendar Month, he, she, or they shall and may be at Liberty to redeem such Goods, upon paying the Profit payable for one Calendar Month and the Half of another Calendar Month to the Pawnbroker, but that in all Cases where the Party or Parties so entitled and applying as aforesaid, after the Expiration of the said first fourteen Days, and before the Expiration of the said second Calendar Month, it shall be lawful for the Pawnbroker to demand and take the Profit of the whole second Month; and that the like Regulation and Restriction shall take place and be in force in every subsequent Calendar Month, wherein Application shall be made for redeeming Goods pawned.

Limiting the  
Profits for Part  
of a Month.

VI. And be it further enacted, That all and every Person and Persons who, from and after the Commencement of this Act, shall take by way of Pawn or Pledge, of or from any Person or Persons whomsoever, any Goods or Chattels, of what Kind soever the same shall be, and whereon shall be lent any Sum of Money exceeding five Shillings, shall forthwith, and before he, she, or they shall or may advance or lend any Money upon such Pawn or Pledge, enter or cause to be entered, in a fair and regular Manner, in a Book or Books to

Pawns to be  
entered in  
Books.



No. 1. be kept by him, her, or them for that Purpose, a Description of the Goods or Chattels which he, she, or they shall receive in Pawn, Pledge, or Exchange, and also the Sum of Money to be advanced or lent thereon, with the Day of the Month and Year on which, and the Name of the Person or Persons by whom such Goods or Chattels are so pawned, pledged, or exchanged, and the Name of the Street and Number of the House, if the same shall be said to be numbered, where such Person shall abide, and whether such Person or Persons is or are a Lodger in, or the Keeper of such House, by using the Letter "L" if a Lodger, and the Letter "H" if a House-keeper, and also the Name and Place of Abode of the Owner or Owners of such Goods and Chattels, according to the Information of the Person pawning, pledging, or exchanging the same, into all which Circumstances the Pawnbroker is hereby required to enquire of the Party pawning, before any Money shall be lent or advanced, and in all Cases where the Money lent on any such Goods or Chattels shall not exceed the Sum of five Shillings, such Entry shall be made in such Book or Books, by all and every such Person and Persons so taking the same by Way of Pawn, Pledge, or Exchange as aforesaid, within four Hours next after the said Goods and Chattels shall have been so pawned, pledged, or exchanged as aforesaid; and every Pledge upon which shall be lent any Sum of Money above ten Shillings, shall be entered in the Manner aforesaid in a Book or Books to be kept for that Purpose, separate and apart from all other Pledges whatever; and every such Entry of such Pledge whereon shall be lent any Sum of Money exceeding ten Shillings, shall be numbered in such Book or Books progressively as they are received in Pawn, in the Manner following; (*videlicet*,) the first Pledge that is received in Pawn in the Month of *September* next, shall be numbered No. 1, the second No. 2, and so on progressively until the End of the Month; and the first Pledge that is received in the next Month shall be numbered No. 1, and the second No. 2, and so on progressively and in like Manner until the End of the Month, and the like Regulation with respect to the Numbers of all Pledges above ten Shillings, shall be observed in every succeeding Month throughout the Year; and upon every Note or Memorandum respecting any such Pledge whereon shall be lent any Sum exceeding ten Shillings as aforesaid, shall be fairly and legibly written or printed the Number of the Entry of such Pledge so entered in such Book or Books as aforesaid; and every such Person shall, at the Time of the taking of every Pawn, Pledge, or Exchange whatsoever, give to the Person or Persons so pawning, pledging, or exchanging the same, a Note or Memorandum, fairly and legibly written or printed, or in Part written and in Part printed, containing therein in like Manner a Description of the Goods and Chattels which he, she, or they have received in Pawn, Pledge, or Exchange, and also the Sum of Money advanced thereon, with the Day of the Month and Year on which, and the Name and Place of

Pawnbrokers  
to give a Note  
describing  
Things pawn-  
ed.

39 & 40 George  
III. c. 99.

Abode, and Number of the House, if said to be numbered, No. 1. of the Person or Persons by whom, such Goods or Chattels are so pawned, pledged, or exchanged, and whether such Person is a Lodger or Housekeeper as aforesaid, by using the Letter "L" if a Lodger, and the Letter "H" if a Housekeeper, and also the Name and Place of Abode of the Owner or Owners thereof, according to the Information aforesaid; and upon which said Note or Memorandum, or on the Back whereof, shall be moreover fairly written or printed, the Name and Place of Abode of the Pawnbroker giving the same; which said Note or Memorandum the Party and Parties pawning, pledging, or exchanging the said Goods or Chattels shall, and he, she, or they is and are hereby required to accept and take in all Cases, and the Pawnbroker shall not receive and retain such Pledge unless the Party pledging or offering to pledge the same shall accept and take such Note or Memorandum; and every such Note, where the Sum lent shall be less than five Shillings, shall be delivered *gratis*, and where the Sum lent shall be five Shillings or upwards, and less than ten Shillings, such Pawnbroker shall and may take one Halfpenny for the same; and where the Sum lent shall be ten Shillings or upwards, and less than twenty Shillings, such Pawnbroker shall and may take one Penny for the same; and where the Sum lent shall be twenty Shillings or upwards, and less than five Pounds, the Sum of two Pence for the same; and where the Sum lent shall be five Pounds or upwards, the Sum of four Pence and no more; and which Note shall be produced to the Pawnbroker before he or she shall be obliged to re-deliver the respective Goods or Chattels, except as hereinafter is excepted.

VII. And be it further enacted, That in all Cases where any Goods or Chattels pawned or pledged shall be redeemed, the Pawnbroker of whom the same shall be redeemed shall, at the Time of such Redemption, fairly and legibly write or indorse, or cause to be written or indorsed, upon every Duplicate respecting such Pawn or Pledge, the Amount of the Profit taken by him, or on his Account, on the Money lent upon such Goods or Chattels so redeemed, and shall keep such Duplicate in his Custody for the Space of one Year then next following.

The Amount of Profits shall be indorsed on Duplicates of Pledges redeemed.

VIII. And be it further enacted, That from and after the Commencement of this Act, if any Person or Persons shall knowingly and designedly pawn, pledge, or exchange, or unlawfully dispose of the Goods or Chattels of any other Person or Persons, not being employed or authorized by the Owner or Owners thereof so to do, it shall be lawful for any Justice to grant his Warrant to apprehend any Person so offending, and if he, she, or they shall be thereof convicted, by the Oath of any credible Witness or Witnesses, or by the Confession of the Person or Persons charged with such Offence, before any Justice or Justices of the Peace for the County, Riding, Division, City, Liberty, Town, or Place where the

Penalty against unlawfully pawning Goods the Property of others;

No. 1. Offence shall be committed, (which Oath every such Justice or Justices as aforesaid is and are hereby empowered and required to administer,) every such Offender shall, for every such Offence, forfeit any Sum not exceeding five Pounds nor less than twenty Shillings, and also the full Value of the Goods or Chattels so pawned, pledged, exchanged, or disposed of, such Value to be ascertained by such Justice or Justices; and in case the said Forfeitures shall not be forthwith paid, the Justice or Justices of the Peace as aforesaid before whom such Conviction shall be had, shall commit the Party or Parties so convicted to the House of Correction, or some other publick Prison of the County, Riding, Division, City, Liberty, Town, or Place wherein the Offender or Offenders shall reside, or be convicted, there to remain and be kept to hard Labour for a Space not exceeding three Calendar Months, unless the said Forfeitures shall be sooner paid; and if within three Days before the Expiration of the said Term of Commitment the said Forfeitures shall not be paid, the said Justice or Justices, at his and their Discretion, may order the Person or Persons so convicted to be publicly whipped in the House of Correction or Prison to which the Offender or Offenders shall have been committed, or in some other publick Place of the County, Riding, Division, City, Liberty, Town, or Place where the Offence shall have been committed, as to such Justice or Justices shall seem proper; and the said respective Forfeitures, when recovered, shall be applied towards making Satisfaction thereout to the Party or Parties injured, and defraying the Costs of the Prosecution, as shall be adjudged reasonable by the Justice or Justices before whom such Conviction shall be had; but if the Party or Parties injured shall decline to accept of such Satisfaction and Costs, or if there shall be any Overplus of the said respective Forfeitures, after making such Satisfaction and paying such Costs as aforesaid, then such respective Forfeitures, or the Overplus thereof (as the Case shall happen) shall be paid and applied to and for the Use of the Poor of the Parish or Place where such Offence shall have been committed, and shall be paid to the Overseers of the Poor of such Parish or Place for that Purpose.

39 & 40 George  
III. c. 99.

from §1 to 20s.  
and the Value  
of the Goods;

or Imprison-  
ment not ex-  
ceeding three  
Months and  
Whipping.

Penalty on  
forging, coun-  
terfeiting or ut-  
tering Notes.

IX. And be it further enacted, That if any Person or Persons whomsoever shall counterfeit, forge, or alter, or cause or procure to be counterfeited, forged, or altered, any such Note or Memorandum as aforesaid, or shall utter, vend, or sell any such Note as aforesaid, knowing the same to be counterfeited, forged, or altered, with Intent to defraud any Person or Persons whomsoever, in all or any or either of the said Cases, such Person or Persons shall be punished in Manner herein-after mentioned; and it shall be lawful for any Person or Persons, his, her, or their Servants or Agents to whom any Note shall be uttered or produced, shewn, or offered, which he, she, or they shall have Reason to suspect to have been counterfeited, forged, or altered, to seize and detain such Person or Persons uttering, producing, shewing, or offering the same, and to

deliver him, her, or them, as soon as conveniently may be, into the Custody of a Constable, or other Peace Officer, who shall and is hereby required, as soon as conveniently may be, to convey such Person or Persons before some Justice or Justices of the Peace for the County, Riding, Division, City, Liberty, Town, or Place wherein the Offence shall be supposed to have been committed; and if upon Examination it shall appear to the Satisfaction of such Justice or Justices, that the Person or Persons charged with having committed any such Offence is or are guilty thereof, then, and in every such Case, the said Justice or Justices is and are hereby authorized and required to commit the Party or Parties offending to the Common Gaol or House of Correction of the County, Riding, Division, City, Liberty, Town, or Place wherein the Offence shall be committed, there to be imprisoned for any Time not exceeding the Space of three Calendar Months, at the Discretion of such Justice or Justices.

No. 1.  
39 & 40 George  
III. c. 99.

Imprisonment  
not exceeding  
three Months.

X. And be it further enacted, That in case any Person or Persons who shall offer by way of Pawn, Pledge, Exchange, or Sale, any Goods or Chattels, shall not be able, or shall refuse to give a satisfactory Account of himself, herself, or themselves, or of the Means by which he, she, or they became possessed of such Goods or Chattels, or shall wilfully give any false Information to the Pawnbroker, or to his or her Servant or Servants, as to whether such Goods or Chattels are his, her, or their own Property or not, or of his or her Name and Place of Abode, or of the Name and Place of Abode of the Owner or Owners of the said Goods or Chattels, or if there shall be any other Reason to suspect that such Goods or Chattels are stolen or otherwise illegally or clandestinely obtained, or if any Person or Persons not entitled, nor having any Colour of Title by Law to redeem Goods or Chattels, in Pledge or Pawn shall attempt or endeavour to redeem the same, it shall be lawful for any Person or Persons, his, her, or their Servants or Agents, to whom such Goods or Chattels shall be so offered, or with whom such Goods or Chattels are in Pledge, to seize and detain such Person or Persons and the said Goods or Chattels, and to deliver such Person or Persons immediately into the Custody of a Constable or other Peace Officer, who shall and is hereby required, as soon as may be, to convey such Person or Persons, and the said Goods or Chattels so offered, before some Justice or Justices of the Peace for the County, Riding, Division, City, Liberty, Town, or Place wherein the Offence shall be supposed to have been committed; and if such Justice or Justices shall, upon Examination and Enquiry, have cause to suspect that the said Goods or Chattels were stolen, or illegally or clandestinely obtained, or that the Person or Persons offering and endeavouring to redeem the same shall not have any Pretence or Colour of Right to redeem the same, it shall be lawful for such Justice or Justices to commit such Person or Persons into safe Custody, for such reasonable Time as shall be necessary for the obtaining proper Information on the Subject, in order to be

Persons not  
giving a good  
Account of  
themselves on  
offering to pawn  
Goods liable to  
Punishment.

No. 1. further examined; and if, upon either of the said Examinations it  
 39 & 40 George shall appear to the Satisfaction of such Justice or Justices that the  
 III. c. 99. said Goods or Chattels were stolen, or illegally or clandestinely  
 obtained, or that the Person or Persons offering or endeavour-  
 ing to redeem the same, hath or have not any Pretence or  
 Colour of Right so to do, the said Justice or Justices is and are  
 hereby authorized and required to commit the Party or Parties  
 offending to the Common Gaol or House of Correction of the  
 County, Riding, Division, City, Liberty, Town, or Place  
 wherein the Offence shall be committed, there to be dealt with  
 according to Law, where the Nature of the Offence shall au-  
 thorize such Commitment by any other Law, and where the  
 Nature of the Offence shall not authorize such Commitment  
 by any other Law, then such Commitment shall be for any  
 Time not exceeding three Calendar Months, at the Discretion  
 of such Justice or Justices.

Persons buy- XI. And be it further enacted, That from and after the  
 ing or taking in Commencement of this Act, if any Person or Persons shall  
 Pledge unfin- knowingly buy or take in as a Pledge or Pawn, or in Exchange,  
 ished Goods or any Goods of any Manufacture, or of any Part or Branch of  
 Linen, or Ap- any Manufacture, either mixed or separate, or any Materials  
 parel entrusted whatsoever, plainly intended for the composing or manufac-  
 to others to turing of any Goods, after such Goods or Materials respec-  
 wash or mend, tively are put into a State or Course of Manufacture, or into a  
 to forfeit double State for any Process or Operation to be thereupon or therewith  
 the Sum lent, performed, and before such Goods or Materials are completed  
 and restore the or finished for the Purposes of Wear or Consumption, or any  
 Goods. Linen or Apparel, which Goods, Materials, Linen, or  
 Apparel, are or shall be intrusted to any Person or Persons to  
 wash, scour, iron, mend, manufacture, work up, finish, or  
 make up, and shall be convicted of the same on the Oath  
 of one credible Witness, or on Confession of the Party or  
 Parties, before one or more Justice or Justices, every such  
 Person or Persons shall forfeit double the Sum given for or lent  
 on the same, to be paid to the Poor of the Parish where the Of-  
 fence is committed, to be recovered in the same Manner as any  
 other Forfeitures are by this Act directed to be recovered, and  
 shall likewise be obliged to restore the said Goods and Mate-  
 rials to the Owner or Owners thereof, in the Presence of the  
 said Justice or Justices.

Empowering XII. And be it further enacted, That if the Owner or  
 Peace Officers Owners of any Goods of any Manufacture, or of any Part or  
 to search for un- Branch of any Manufacture, either mixed or separate, or any  
 finished Goods, Materials whatsoever, plainly intended for the composing or  
 &c. unlawfully manufacturing of any Goods, after such Goods or Materials  
 come by, which respectively are put into a State or Course of Manufacture, or  
 shall be restored into a State for any Process or Operation to be thereupon  
 to the Owner. or therewith performed, and before such Goods or Materials are  
 completed or finished for the Purposes of Wear or Consump-  
 tion, or any Linen or Apparel, which Goods, Materials,  
 Linen or Apparel are or shall be so intrusted as aforesaid, un-  
 lawfully pawned, pledged or exchanged, shall make out either

on his, her, or their Oath, or by the Oath of any credible Witness, or, being one of the People called *Quakers*, by solemn Affirmation, before any Justice or Justices of the Peace within his or their Jurisdiction, that there is just Cause to suspect that any Person or Persons within the Jurisdiction of any such Justice or Justices hath or have taken to pawn, or by way of Pledge or in Exchange, any such Goods or Materials, Linen, or Apparel, so intrusted as aforesaid, of such Owner or Owners, and without the Privy or Authority of such Owner or Owners thereof, and shall make appear to the Satisfaction of any such Justice or Justices probable Grounds for such the Suspicion of the Owner or Owners thereof, then and in any such Case any Justice or Justices of the Peace within his or their Jurisdiction, may issue his or their Warrant for searching, within the Hours of Business, the House, Warehouse, or other Place of any such Person or Persons who shall be charged, on Oath or Affirmation as aforesaid, as suspected to have received or taken in Pawn or by way of Pledge, or in Exchange, any such Goods or Materials, Linen or Apparel, without the Privy of or Authority from the Owner or Owners thereof; and if the Occupier or Occupiers of any House, Warehouse, or other Place wherein any such Goods, Materials, Linen, or Apparel, shall on Oath or Affirmation as aforesaid be charged or suspected to be, shall, after the Commencement of this Act, on Request made to him, her, or them, to open the same, by any Peace Officer authorized to search there by Warrant from any Justice or Justices of the Peace for the County, Riding, Division, City, Liberty, Town, or Place, in which such House Warehouse, or other Place shall be situate, refuse to open the same and permit the same to be searched, it shall be lawful for any Peace Officer to break open any such House, Warehouse, or other Place, within the Hours of Business, and to search as he shall think fit therein for the Goods, Materials, Linen, or Apparel suspected to be there, doing no wilful Damage; and no Pawnbroker or other Person or Persons shall oppose or hinder any such Search; and if upon the Search of the House, Warehouse, or other Place of any such suspected Person or Persons as aforesaid, any of the Goods, Materials, Linen, or Apparel, which shall have been so pawned, pledged, or exchanged as aforesaid shall be found, and the Property of the Owner or Owners thereof shall be made out to the Satisfaction of any such Justice or Justices, by the Oath of one or more credible Witness or Witnesses, or if any such Witness or Witnesses shall be of the People called *Quakers*, by solemn Affirmation, or by the Confession of the Person or Persons charged with any such Offence, any such Justice or Justices shall thereupon cause the Goods, Materials, Linen or Apparel, found on any such Search, and pawned, pledged or exchanged as aforesaid, to be forthwith restored to the Owner or Owners thereof.

XIII. And be it further enacted, That if the Owner or Owners of any Goods or Chattels unlawfully pawned, pledged,

No. 1. or exchanged, shall make out, either on his, her, or their Oath, 39 & 40 George III. c. 99. or by the Oath of any credible Witness, or, being one of the People called *Quakers*, by solemn Affirmation, before any Justice or Justices of the Peace within his or their Jurisdiction, that such Owner or Owners hath or have had his, her, or their Goods or Chattels unlawfully obtained or taken from him, her or them, and that there is just Cause to suspect that any Person or Persons within the Jurisdiction of any such Justice or Justices hath or have taken to pawn, or by way of Pledge or in Exchange, any Goods or Chattels of such Owner or Owners, and without the Privy or Authority of such Owner or Owners thereof, and shall make appear to the Satisfaction of any such Justice or Justices, probable Grounds for such the Suspicion of the Owner or Owners thereof, then and in any such Case any Justice or Justices of the Peace within his or their Jurisdiction may issue his or their Warrant for searching, within the Hours of Business, the House, Warehouse, or other Place of any such Person or Persons who shall be charged on Oath or Affirmation as aforesaid as suspected to have received or taken in Pawn, or by Way of Pledge or in Exchange, any such Goods or Chattels, without the Privy of or Authority from the Owner or Owners thereof; and if the Occupier or Occupiers of any House, Warehouse, or other Place wherein any such Goods or Chattels shall on Oath or Affirmation as aforesaid be charged or suspected to be, shall, after the Commencement of this Act, on Request made to him, her, or them to open the same by any Peace Officer authorised to search there, by Warrant from a Justice or Justices of the Peace for the County, Riding, Division, City, Liberty, Town, or Place, in which such House, Warehouse, or other Place shall be situate, refuse to open the same, and permit the same to be searched, it shall be lawful for any Peace Officer to break open any such House, Warehouse or other Place, within the Hours of Business, and to Search as he shall think fit therein, for the Goods or Chattels suspected to be there, doing no wilful Damage; and no Pawnbroker or other Person or Persons shall oppose or hinder an, such Search; and if upon the Search of the House, Warehouse, or other Place of any such suspected Person or Persons as aforesaid, any of the Goods or Chattels which shall have been so pawned, pledged or exchanged as aforesaid shall be found, and the Property of the Owner or Owners from whom the same shall have been unlawfully obtained or taken, shall be made out to the Satisfaction of any such Justice or Justices by the Oath of one or more credible Witness or Witnesses, or if any such Witness or Witnesses shall be of the People called *Quakers*, by solemn Affirmation, or by the Confession of the Person or Persons charged with any such Offence, and such Justice or Justices shall thereupon cause the Goods and Chattels found on any such Search, and pawned, pledged or exchanged as aforesaid, to be forthwith restored to the Owner or Owners thereof.

Where Goods are unlawfully pawned, the Pawnbroker to restore them.

XIV. And be it further enacted, That from and after the Commencement of this Act, if any Goods or Chattels shall be pawned or pledged for securing any Money lent thereon, not exceeding in the Whole the Principal Sum of ten Pounds, and the Profit thereof, and if within one Year after the pawning or pledging thereof, (Proof having been made on Oath or Affirmation as aforesaid by one or more credible Witnesses or Witnesses, and by producing the Note or Memorandum directed to be given by this Act as aforesaid, before any Justice or Justices, to the Satisfaction of any such Justice or Justices, of the pawning or pledging of any such Goods or Chattels within the said Space of one Year, or one Year and three Months, as the Case may be,) any such Pawner or Pawners who was or were the real Owner or Owners of such Goods or Chattels at the Time of the pawning or pledging thereof, his, her, or their Executors, Administrators, or Assigns, shall tender unto the Person or Persons who lent, on the Security of the Goods or Chattels pawned, his Executors, Administrators, or Assigns, the Principal Money borrowed thereon, and Profit, according to the Table of Rates by this Act established, and the Person who took such Goods or Chattels in Pawn, his or her Executors, Administrators, or Assigns, shall thereupon, without shewing reasonable Cause for so doing to the Satisfaction of such Justice or Justices, neglect or refuse to deliver back the Goods or Chattels so pawned for any Sum or Sums of Money not exceeding the said Principal Sum of ten Pounds, to the Person or Persons who borrowed the Money thereon, his, her, or their Executors, Administrators, or Assigns, then and in any such Case, on Oath or Affirmation as aforesaid thereof made by the Pawner or Pawners thereof, his, her, or their Executors, Administrators, or Assigns, or some other credible Person, any Justice or Justices of the Peace for the County, Riding, Division, City, Liberty, Town, or Place where the Person or Persons who took such Pawn as aforesaid, his Executors, Administrators, or Assigns, shall dwell, on the Application of the Borrower or Borrowers, his, her, or their Executors, Administrators, or Assigns, is and are hereby required to cause such Person or Persons who took such Pawn, his, her, or their Executors, Administrators, or Assigns, within the Jurisdiction of the Justice or Justices, to come before such Justice or Justices; and such Justice or Justices is and are hereby authorized and required to examine on Oath or solemn Affirmation as the Case may require, the Parties themselves, and such other credible Person or Persons as shall appear before him or them touching the Premises; and if tender of the Principal Money due, and all Profit thereon as aforesaid, shall be proved by Oath or Affirmation as aforesaid to have been made (such Principal Money not exceeding the said Sum of ten Pounds) to the Lender or Lenders thereof, his, her, or their Executors, Administrators, or Assigns, by the Borrower or Borrowers of such Principal Money, his, her, or their Executors, Admini-

No. 1.

39 & 40 George  
III. c. 99.Penalty on the  
Pawnbroker  
who will not  
deliver up Goods  
to the Pawner.



No. 1. administrators, or Assigns, within the said Space of one Year, or  
 39 & 40 George one Year and three Months, as the Case may be, after the said  
 III. c. 99. pawning or pledging of the Goods or Chattels, then on Pay-  
 ment by the Borrower or Borrowers, his, her, or their Execu-  
 tors, Administrators, or Assigns, of such Principal Money,  
 and the Profit due thereon, as aforesaid, to the Lender or  
 Lenders, his, her, or their Executors, Administrators or As-  
 signs, and in case the Lender or Lenders, his, her, or their  
 Executors, Administrators, or Assigns, shall refuse to accept  
 thereof, on Tender thereof to him, her, or them made by the  
 Borrower or Borrowers thereof, his, her, or their Executors,  
 Administrators, or Assigns, before any such Justice or Justices,  
 such Justice or Justices shall thereupon, by Order under his  
 or their Hand or Hands, direct the Goods or Chattels so  
 pawned forthwith to be delivered up to the Pawner or Pawners  
 thereof, his, her, or their Executors, Administrators, or As-  
 signs; and if the Person or Persons who shall have lent any  
 Principal Sum or Sums of Money, not exceeding in the Whole  
 the said Sum of ten Pounds on any Goods or Chattels pawned,  
 his, her, or their Executors, Administrators, or Assigns, shall  
 neglect or refuse to deliver up or make Satisfaction for the  
 Goods or Chattels which shall be so proved to the Satisfaction  
 of such Justice or Justices as aforesaid to have been so pawned,  
 as any such Justice or Justices of the Peace as aforesaid shall  
 order and direct, then any such Justice or Justices shall, and  
 is and are hereby authorized and required to commit the Party  
 or Parties so refusing to deliver up or make Satisfaction for the  
 same, to the House of Correction or some other public Prison  
 for the County, Riding, Division, City, Liberty, Town or  
 Place wherein the Offender or Offenders shall reside or be  
 convicted, there to remain without Bail or Mainprize, until he,  
 she or they shall deliver up the Goods or Chattels so pawned,  
 and continuing redeemable as aforesaid, according to the  
 Order of such Justice or Justices as aforesaid, or make such  
 Satisfaction or Compensation as such Justice or Justices shall  
 adjudge reasonable for the Value thereof, to the Party or  
 Parties entitled to the Redemption of such Goods or Chattels  
 so pawned, and continuing redeemable as aforesaid.

Imprisonment  
 till Re-delivery  
 of the Goods,  
 or Satisfaction  
 made.

Persons pro-  
 ducing Notes or  
 Memorandums  
 deemed the  
 Owners.

XV. 'And, to prevent any Inconvenience to Persons  
 carrying on the Trade and Business of a Pawnbroker, from  
 several different Persons claiming a Property in the same  
 'Goods or Chattels,' be it further enacted, That, from and  
 after the Commencement of this Act, any Person or Persons  
 who shall at any Time produce any such Note or Memorandum  
 as aforesaid, to the Person or Persons with whom the Goods  
 therein specified were pawned or pledged, as the Owner  
 thereof, or as authorized by the Owner thereof, to redeem the  
 same, and require a Delivery of the Goods or Chattels men-  
 tioned therein, to him, her, or them, such Person or Persons  
 shall be, and is and are hereby deemed and taken to be, so  
 far as respects the Person or Persons having such Goods and  
 Chattels in Pledge, the real Owner and Owners, Proprietor

and Proprietors of such Goods and Chattels, and the Person or Persons so using the said Trade and Business of a Pawnbroker shall be, and is and are hereby directed and required, after receiving Satisfaction pursuant to the Provisions of this Act, respecting Principal and Profit, to deliver such Goods and Chattels to the Person or Persons who shall so produce the said Note or Memorandum to him, her, or them, and shall be, and is and are hereby indemnified for so doing, unless he, she, or they shall have had previous Notice from the real Owner or Owners thereof not to deliver the same to the Person or Persons producing such Note, or unless Notice shall have been given to him, her, or them, that the Goods and Chattels pawned have been or are suspected to have been fraudulently or feloniously taken or obtained, and unless the real Owner or Owners thereof proceeds or proceed, in Manner herein-after provided and directed for the redeeming of Goods and Chattels pledged, where such Note hath been lost, mislaid, destroyed, or fraudulently obtained from the Owner or Owners thereof.

No. 1.  
39 & 40 George  
III. c. 99

XVI. And be it further enacted, That in case any Pawnbroker shall have had such previous Notice as aforesaid, or in case any such Note or Memorandum as aforesaid shall be lost, mislaid, destroyed, or fraudulently obtained from the Owner or Owners thereof, and the Goods and Chattels mentioned therein shall remain unredeemed, that then and in every such Case the Pawnbroker or Pawnbrokers with whom the said Goods and Chattels were so pledged shall, at the Request and Application of any Person or Persons who shall represent himself, herself, or themselves to the Pawnbroker as the Owner or Owners of the Goods and Chattels in Pledge as aforesaid, deliver to such Person or Persons so requesting and applying for the same, a Copy of the Note or Memorandum so lost, mislaid, destroyed, or fraudulently obtained as aforesaid, with the Form of an Affidavit of the particular Circumstances attending the Case, printed or written, or in part printed and in part written on the said Copy, as the same shall be stated to him or her by the Party applying as aforesaid, for which Copy of such Note or Memorandum, and Form of Affidavit, in case the Money lent shall not exceed the Sum of five Shillings, the Pawnbroker shall receive the Sum of one Halfpenny; and in case the Money lent shall exceed the Sum of five Shillings, and not exceed the Sum of ten Shillings, the Pawnbroker shall receive the Sum of one Penny; and in case the Money lent shall exceed the Sum of ten Shillings, the Pawnbroker shall receive the like Sum of Money as he is entitled to receive and take on giving the original Note or Memorandum, such Money to be paid by the Party applying for the same at the Time of making the said Application; and the Person or Persons having so obtained such Copy of the Note or Memorandum, and Form of Affidavit as aforesaid, shall thereupon prove his, her, or their Property in, or Right to such Goods and Chattels, to the Satisfaction of some Justice of the Peace for the County,

Where Notes  
or Memoranda  
are lost, the  
Pawnbroker to  
deliver a Copy.

No. 1. Riding, Division, City, Town, Liberty, or Place, where the  
 39 & 40 George said Goods or Chattels shall have been pledged, pawned, or  
 III. c. 99. exchanged, and shall also verify on Oath or Affirmation, as the  
 Case may be, before the said Justice, the Truth of the parti-  
 cular Circumstances attending the Case mentioned in such  
 Affidavit or Affirmation to be made as aforesaid, the Caption  
 of such Oath or Affirmation to be authenticated by the Hand  
 Writing thereto of the Justice before whom the same shall  
 be made, and who shall, and is hereby required so to authen-  
 ticate the same, whereupon the Pawnbroker shall suffer the  
 Person or Persons proving such Property to the Satisfaction of  
 such Justice as aforesaid, and making such Affidavit or Affirm-  
 ation as aforesaid, on leaving such Copy of the said Note or  
 Memorandum, and the said Affidavit or Affirmation, with the  
 said Pawnbroker, to redeem such Goods or Chattels.

Pawned Goods  
 deemed forfeit  
 ed at the End of  
 a Year.

Pledges above  
 10s. to be sold  
 by Auction.

XVII. And be it further enacted, That all Goods and  
 Chattels which shall be pawned or pledged, shall be deemed  
 forfeited, and may be sold at the Expiration of one whole  
 Year, exclusive of the Day whereon the Goods and Chattels  
 were so pawned as aforesaid; and that all Goods and Chattels  
 so forfeited on which any Sum above ten Shillings, and not ex-  
 ceeding ten Pounds shall have been lent, shall be sold by  
 public Auction, and not otherwise, by the Order of the Per-  
 son having the same in Pawn, at and after the Expiration  
 of the said Year, but the Person employed to sell such Goods  
 and Chattels by Auction shall, and he is hereby required  
 to cause the same to be exposed to public View, and  
 Catalogues thereof to be published, containing the Name and  
 Place of Abode of the Pawnbroker, and also the Month such  
 Goods were received in Pawn; and the Number of every  
 such Pledge as entered in the Book or Books kept for that  
 Purpose at the Time the same were pawned, and an Adver-  
 tisement giving Notice of such Sale, and containing the  
 Name or Names, and Place of Abode of the Pawnbroker  
 or Pawnbrokers with whom the said Goods and Chattels were  
 in Pledge, and also the Month such Goods were received  
 in Pawn, to be inserted two several Days in some public  
 Newspaper, two Days at least before the first Day of Sale;  
 and the Goods or Chattels pledged with every Pawnbroker,  
 shall be inserted in every Catalogue, separate and apart from  
 each other, upon Pain of forfeiting to the Owner or Owners  
 of the said Goods and Chattels, for every Offence in the Pre-  
 mises, any Sum not exceeding ten Pounds nor less than forty  
 Shillings.

Pictures,  
 Prints, Books,  
 Statues, &c.  
 shall only be  
 sold four Times  
 in a Year.

XVIII. Provided always, and be it further enacted, That  
 all Pictures, Prints, Books, Bronzes, Statues, Busts, Carvings  
 in Ivory and Marble, Cameos, Intaglios, Musical, Mathema-  
 tical, and Philosophical Instruments, and China, which shall  
 be sold by public Auction as aforesaid, shall be sold by them-  
 selves, and without other Goods being sold at such Sale, four  
 Times only in every Year (that is to say) on the first Monday in  
 the Months of *January, April, July, and October*, in every Year,

and on the following Day and Days, if the Sale shall exceed one Day, and at no other Time; and the Person who shall be employed to sell the same by Auction shall, and he is hereby required to cause the same to be exposed to public View, and Catalogues thereof to be published, and an Advertisement giving Notice of such Sale, and containing the Name or Names of the Pawnbroker or Pawnbrokers with whom the said Goods were in Pledge, to be inserted two several Days in some public Newspaper three Days at the least before the first Day of Sale, upon Pain of forfeiting to the Owner or Owners of the said Goods for every Offence in the Premises, any Sum not exceeding five Pounds nor less than forty Shillings.

No. 1.  
39 & 40 George  
III. c. 99.

XIX. Provided always and be it further enacted, That in case any Person or Persons entitled to redeem Goods or Chattels in Pledge, shall, before or upon the Expiration of the said one Year from the Time of pawning the same, give Notice in Writing, or in the Presence of one Witness, to the Person or Persons having the same in Pledge, or leave the same at his, her, or their usual Place of Abode, not to sell the same at the End of the said one Year, then and in every such Case, such Goods or Chattels shall not be sold or disposed of by the Person or Persons having the same in Pledge until after the Expiration of three Calendar Months, to be computed from the Expiration of the said Year, during which said Term of three Calendar Months, the Owner or Owners of the said Goods and Chattels shall have Liberty to redeem the same, upon the Terms stipulated and provided by this Act.

O Notice  
from Person  
having Goods  
in Pledge not to  
sell, three  
Months further  
allowed beyond  
the Year for  
Redemption

XX. And be it further enacted, That all and every Person or Persons with whom any Goods or Chattels shall have been pawned or pledged, shall from Time to Time enter in a Book or Books, to be kept by him, her, or them for that Purpose, a true and just Account of the Sale of all Goods and Chattels pawned with him, her, or them for upwards of ten Shillings, (2.) which shall be sold as aforesaid, expressing the Day of the Month when such Goods were pledged, and the Name of the Person pledging the same, according to the Entry made at the Time of receiving the same in Pawn; and also the Day when, and the Money for which such Goods or Chattels pawned were sold, together with the Name and Place of Abode of the Auctioneer by whom the same were sold, according to the Information thereof from the Auctioneer; and in case any such Goods or Chattels shall be sold for more than the Principal Money and Profit aforesaid due thereon at the Time of such Sale, the Overplus shall, by every such Pawnbroker, be paid, on Demand, to the Person by whom or on whose Account such Goods or Chattels were pawned, his, her, or their Executors, Administrators, or Assigns, in case such Demand shall be made within three Years after such Sale, the necessary

Account of  
Sales of Pledges  
above 10s to be  
entered by the  
Pawnbrokers  
in a Book;

and Overplus  
paid to the  
Owner of the  
Goods pawned  
or sold, &c.

2. I find very unfair Advantage generally taken by Pawnbrokers of this Distinction, where Goods of considerably greater Value than ten Shillings are pledged for less than that Amount, the absolute Forfeiture of such Goods being very commonly insisted upon.

No. 1. Costs and Charges of such Sale being first deducted; and  
 39 & 40 George III. c. 99. such Person or Persons who pawned or pledged such Goods or Chattels, or for whom such Goods or Chattels were so pawned or pledged, his, her, or their Executors, Administrators, or Assigns, shall, for his, her, or their Satisfaction in this Matter, be permitted to inspect the Entry to be made as aforesaid of every such Sale, paying for such Inspection the Sum of one Penny and no more; and in case any Person or Persons shall refuse to permit any such Person or Persons who pawned or pledged such Goods or Chattels, or who is or are entitled to such Overplus Money, to inspect such Entry as aforesaid in any such Book or Books, (such Person or Persons, if an Executor or Executors, Administrator or Administrators, or Assignee or Assignees, at such Time producing his, her, or their Letters Testamentary, Letters of Administration or Assignment,) or in case the Goods or Chattels were sold for more than the Sum entered in any such Book or Books, or if any such Person or Persons shall not make such Entry as aforesaid, or shall not have *bona fide*, according to the Directions of this Act, sold the same, or shall refuse to pay such Overplus, upon Demand, to the Pawnee or Pawnors, Owner or Owners, his, her, or their Executors, Administrators, or Assigns, (he, she, or they producing such their Letters Testamentary, Letters of Administration or Assignment), every such Person or Persons so offending shall, for every such Offence, forfeit the Sum of ten Pounds, and treble the Sum such Goods and Chattels shall have been originally pawned for, to the Person or Persons by whom or on whose Account such Goods or Chattels were pawned, his, her, or their Executors, Administrators, or Assigns, to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any two Justices of the Peace for the County, Riding, Division, City, Town, Liberty, or Place where the Offence shall be committed.

on Penalty of  
 10l. and treble  
 the Sum lent on  
 Pawn.

Pawnbroker  
 shall not pur-  
 chase Goods  
 while in his  
 Custody.

XXI. And be it further enacted, That, from and after the Commencement of this Act, no Person or Persons having any Goods or Chattels in Pledge, shall, under any Pretence whatsoever, either by himself or herself, or by any other Person for him or her, purchase any such Goods or Chattels so being in Pledge with him or her, during the Time the same shall remain in his or her Custody as such Pledge, save and except at such public Auction as aforesaid, nor shall suffer the same to be redeemed with a View or Intention to purchase the same; nor shall any such Person taking or having any Goods or Chattels in Pledge, make or cause to be made any Contract or Agreement with any Person or Persons offering to pledge or pledging the same with the Owner or Owners of the Pledge, for the Purchase, Sale, or Disposition of the said Goods and Chattels before the Expiration of one whole Year from the Time of pawning or pledging the same; nor shall any Pawnbroker purchase or receive or take any Goods or Chattels in Pledge of or from any Person or Persons who

shall appear to be under the Age of twelve Years, or to be intoxicated with Liquor; or purchase or take in Pawn, Pledge, or Exchange the Note or Memorandum aforesaid of any other Pawnbroker; nor buy any Goods or Chattels in the Course of his, her, or their Trade or Business, before the Hour of Eight of the Clock in the Forenoon, or after the Hour of Seven of the Clock in the Evening throughout the Year; nor employ any Servant or Apprentice, or any other Person under the Age of sixteen Years, to take in any Pledge or Pledges; nor receive or take in any Goods or Chattels by way of Pawn, Pledge, or in Exchange, before Eight of the Clock in the Forenoon, or after Eight of the Clock in the Evening, between *Michaelmas Day* and *Lady Day* following; or before Seven of the Clock in the Forenoon or after Nine of the Clock in the Evening during the Remainder of the Year, excepting only until eleven of the Clock on the Evenings of *Saturday* throughout the whole Year, and the Evenings preceeding *Good Friday* and *Christmas Day*, and every Fast or Thank-giving Day to be appointed by his Majesty; nor shall any Persons or Persons exercise or carry on the Trade or Business of a Pawnbroker on any *Sunday*, *Good Friday*, *Christmas Day*, or on any Fast Day or Thanksgiving Day to be appointed as aforesaid.

XXII. And be it further enacted, That upon and from and after the Commencement of this Act, all and every Person and Persons who shall follow and carry on the Trade and Business of a Pawnbroker, shall cause to be painted or printed, in large legible Characters, the Rate of Profit allowed by this Act to be taken by him, her or them, and also the various Prices of the Notes or Memorandums to be given by him, her, or them, according to the Rates aforesaid, and an Account of what Notes or Memorandums are to be delivered *gratis*, and of the Expence of obtaining a second Note or Memorandum where the former one has been lost, mislaid, destroyed or fraudulently obtained, and place the same in a conspicuous Part or Parts of the Shop or other Place wherein he, she or they shall carry on such Trade or Business, so as to be visible to and legible by the Persons pledging Goods and Chattels standing in the several Boxes or Places provided for such Persons coming to pawn or redeem Goods and Chattels at such Shop.

XXIII. And, for the better manifesting by whom the Trade or Business of a Pawnbroker shall hereafter be carried on, be it further enacted, That from and after the Commencement of this Act, all and every Person or Persons who shall follow or carry on the Trade or Business of a Pawnbroker, shall cause to be painted or written, in large legible Characters, over the Door of each Shop or other Place by him, her, or them respectively made use of for carrying on that Trade or Business, the Christian and Surname or Names of the Person or Persons so carrying on the said Trade or Business, and the Word "Pawnbroker," or "Pawnbrokers," as the Case may be, following the same, upon pain of forfeiting the Sum of ten Pounds for every Shop or Place which shall be so

No. 1.  
39 & 40 George  
III c 99

Pledges not to  
be taken from  
Persons under  
12 Years of Age  
or intoxicated.

Hours of buy-  
ing Goods or  
taking in Pawns  
limited.

Pawnbroker's  
to place in view  
the Table of  
Profits.

Pawnbroker's  
Names and Bu-  
siness to be  
placed over his  
Door, on Pe-  
nalty of For-  
feiture.

No. 1. made Use of for the Space of one Week without having such  
 39 & 40 George Name or Names, and the said Word, so painted or written as  
 III. c. 99. aforesaid, to be recovered by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hands and Seals of any two Justices of the Peace acting within the respective County, Riding, Division, City, Town, Liberty, or Place, (which Warrant such Justices are hereby authorized and required to grant) upon the Confession of the Party or Parties, or upon the Information of any credible Witness or Witnesses upon Oath or Affirmation, as the Case may be; and in case sufficient Distress shall not be found, or such Penalty shall not be forthwith paid, it shall be lawful for such Justices, and they are hereby required, by Warrant under their Hands and Seals, to cause the Offender or Offenders to be committed to the County Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding three Calendar Months, nor less than fourteen Days, unless the said Penalty, and all reasonable Charges, shall be sooner paid and satisfied.

Pawnbroker's  
 selling Goods  
 before limited  
 Time, or injuring them, &c.  
 shall make a  
 reasonable Satisfaction on  
 Penalty of 10l.

XXIV. And he it further enacted, That if in the Course of any Proceedings before any Justice or Justices of the Peace, in pursuance of or under this Act, it shall appear, or be proved to the Satisfaction of the Justice or Justices upon Oath or solemn Affirmation, that any of the Goods and Chattels pawned as aforesaid have been sold before the Time allowed by this Act, or otherwise than according to the Directions of this Act, or have been embezzled or lost, or are become or have been rendered of less Value than the same were at the Time of pawning or pledging thereof, by or through the Default, Neglect, or wilful Misbehaviour of the Person or Persons by whom the same were so pledged or pawned, his, her, or their Executors, Administrators, or Assigns, Agents or Servants, then and in any such Case it shall be lawful for every such Justice and Justices, and he and they is and are hereby required to allow and award a reasonable Satisfaction to the Owner or Owners of such Goods or Chattels in respect thereof, or of such Damage, and the Sum or Sums of Money so allowed or awarded, in case the same shall not amount to the Principal and Profit aforesaid which shall appear to be due to any Person or Persons with whom the same were so pledged or pawned, his, her, or their Executors, Administrators, or Assigns, shall be deducted out of the said Principal and Profit; and in all Cases where the Goods and Chattels pawned as aforesaid shall have been damaged as aforesaid, it shall be sufficient for the Pawner or Pawners, his, her, or their Executors, Administrators, or Assigns, to pay or tender the Money due upon the Balance, after deducting out of the Principal and Profit as aforesaid, for the Goods or Chattels pawned, such reasonable Satisfaction in respect to such Damage as any such Justice or Justices shall order or award, and upon so doing the Justice or Justices shall proceed as if the Pawner or Pawners, his, her, or their Executors, Administrators, or Assigns, had paid or tendered the whole Money due for the Principal and Profit aforesaid, and

if the Satisfaction to be allowed and awarded to the Owner or Owners of such Goods or Chattels shall be equal to or exceed the Principal and Profit aforesaid, then and in such Case the Person or Persons to whom the same were so pledged or pawned, his, her, or their Executors, Administrators, or Assigns, shall deliver the Goods and Chattels so pledged to the Owner or Owners thereof, without being paid any Thing for Principal or Profit in respect thereof, and shall also pay such Excess (if any) to the Person or Persons entitled thereto, under the Penalty of ten Pounds, to be recovered and applied in Manner herein-after mentioned.

XXV. And be it further enacted, That it shall be lawful for any Justice of the Peace upon Complaint made to him on the Oath or Affirmation of one or more credible Witness or Witnesses, wherein any Information shall be laid against any Pawnbroker for having offended against this Act, or respecting any Dispute between any Pawnbroker and Person having pawned Goods, or the Owner or Owners of Goods pawned, or respecting any Felony or other Matter, or on any other Occasion whatsoever, which in the Judgment of any Justice or Justices shall make the Production of any Book, Note, Voucher, Memorandum, Duplicate, or other Paper necessary, which shall or ought to be in the Hands, Custody, or Power of any Pawnbroker, to summon such Pawnbroker before him to attend, with all and every or any Book, Note, Voucher, Memorandum, Duplicate, or Paper, which he or she may or ought to have in his or her Custody or Power relating to the same, which he or she is hereby required to produce before such Justice or Justices in the State the same was or were made at the Time the Pawn or Pledge was received, without any Alteration, Erasure, or Obliteration whatsoever; and in case such Pawnbroker shall neglect or refuse to attend, or to produce the same in its true and perfect State, such Pawnbroker shall, in case he or she doth not shew good Cause for such Neglect or Refusal, to the Satisfaction of such Justice or Justices, forfeit any Sum not exceeding ten Pounds nor less than five Pounds, to be levied and applied in the Manner herein-after mentioned.

XXVI. And be it further enacted, That in case any Pawnbroker shall, from and after the Commencement of this Act, in anywise offend against this Act, every such Pawnbroker shall, for every such Offence in neglecting to make or cause to be made, in a fair and regular Manner, in such Book or Books as aforesaid, any such Entry as is required to be made by him, her, or them by this Act, forfeit such Sum of Money as to the Justice or Justices before and by whom any Information thereon shall be heard and determined in his or their Discretion shall seem reasonable and fit, not exceeding the Sum of ten Pounds, and for every other Offence against this Act, where no Forfeiture or Penalty is provided or imposed on any particular or specific Offence against any Part of this Act, not less than forty Shillings nor more than ten Pounds; and that all

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Pawnbrokers  
shall produce  
their Books  
when necessary.

on Penalty  
from 10l. to 5l.

Penalties on  
Pawnbrokers  
offending  
against this Act.  
In neglecting  
Entries not ex-  
ceeding 10l. and  
for other Offences  
from 40s. to  
10l.



No. 1. Forfeitures incurred by any Offence committed against this Act, shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County, Riding, Division, City, Liberty, Town or Place where the Offence shall be committed; and the Justices shall award one Moiety of the said Penalties to the Parties complaining, and the Remainder of the aforesaid Penalty or Penalties not otherwise disposed of and applied by this Act, is to be paid and applied to and for the Use of the Poor of the Parish or Place where the Offence shall have been committed, and shall be paid to the Overseers of the Poor of such Parish or Place for that Purpose.

Limiting the Time of prosecuting by Information, 12 Months.

Information to be made before a Justice near the Place.

Churchwardens, &c. to prosecute, &c.

Convicted Persons, &c. not to prosecute or inform against any Persons, &c.

Act not to extend to Persons lending Money at 51 per Cent. without further Profit.

XXVII. Provided always, and be it further enacted, That no Person or Persons using or exercising the Trade or Business of a Pawnbroker, shall be subject or liable to any Prosecution or Information before any Justice or Justices of the Peace by virtue of this Act, for any Offence or Offences against this Act, unless Information shall be given of such Offence or Offences within twelve Calendar Months next after the Offence or Offences committed; and that all and every such Information and Informations shall be given and prosecuted before such Justice or Justices of the Peace as shall act as such Justice or Justices near to the Place where such Offence or Offences shall have been committed, unless the same shall have been committed within the City or Liberties of London.

XXVIII. And be it further enacted, That the Churchwardens and Overseers of the Poor of any Parish or Place where any Offence shall be supposed to have been committed by any Pawnbroker against this Act, or some or one of such Officers, at the Discretion or Direction of any Justices of the Peace, on having Notice from such Justice of the Peace of such Offence being supposed to have been committed, shall, and they or some or one of them, to be nominated by such Justice as aforesaid, are and is hereby required to prosecute every Offender for every Offence so to be suggested by such Justice, to have been committed against this Act, at the Expence of the respective Parish whereof they or he are, is, or shall be for the Time being such Officers or Officer.

XXIX. And be it further enacted, That no Person who has been convicted of any Fraud, or of obtaining Money under false Pretences, or of any Felony whatsoever, shall be allowed to prosecute or inform against any Person or Persons, for any Offence or Offences committed against this Act.

XXX. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to any Person or Persons whomsoever who shall lend Money to any Person or Persons whomsoever upon Pawn or Pledge, at the Rate of five Pounds *per Centum per Annum* Interest, without taking any further or greater Profit for the Loan or Forbearance of such Money lent, on any Pretence whatsoever.

XXXI. And be it further enacted, That all and every the Provisions, Regulations, and Clauses contained in this present

Act, shall, from and after the End of this present Session of Parliament, extend to and include the Executors, Administrators, and Assigns of all and every deceased Pawnbroker, in the same Manner as the same extend to and include the Pawnbroker when living, save and except that no such Executor or Administrator of any such deceased Pawnbroker shall be answerable for any Penalty or Forfeiture personally, or to be paid out of his, her, or their own Monies or Estate, unless the same shall be incurred and forfeited by his, her, or their own Act or Neglect.

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The Act to extend to Executors, &c. of Pawnbrokers.

XXXII. And be it further enacted, That if any Person or Persons shall at any Time or Times be sued, molested, or prosecuted for any Thing by him, her, or them done or executed in theance of this Act, or of any Clause, Matter, or Thing therein contained, such Person or Persons may plead the General Issue, and give the Special Matter in Evidence for his, her, or their Defence; and if upon the Trial a Verdict shall pass for the Defendaut or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, then such Defepdant or Defendants shall have double Costs awarded to him, her, or them against such Plaintiff or Plaintiffs.

General Issue

Double Costs.

XXXIII. Provided always, and be enacted, That in all Actions, Suits, Informations, Trials, and other Proceedings in pursuance of this Act, or in relation to any Matter or Thing herein contained, any Inhabitant of the Parish, Town, or Place in which any Offence or Offences shall be committed contrary to the true Intent and Meaning of this Act, shall be admitted to give Evidence, and shall be deemed a competent Witness, notwithstanding his or her being an Inhabitant of the Parish, Town, or Place wherein any such Offence or Offences shall be supposed to have been committed.

Inhabitants of any Place where Offences committed deemed competent Witnesses.

XXXIV. And be it further enacted, That the Justice or Justices before whom any Person shall be convicted in Manner prescribed by this Act, shall cause such respective Conviction to be drawn up in the Form or to the Effect following; (that is to say),

to wit. } BE it remembered, That on this      Day  
of      in the      Year of his Majesty's Reign, A. B. is convicted before      of his Majesty's Justices of the Peace for the said County of  
[or, for the      Riding or Division of the said County  
of      or, for the City, Liberty, or Town of  
as the Case shall happen to be] for      and the said  
do adjudge him [or, her] to pay and forfeit for the same the  
Sum of      Given under      the      Day  
and Year aforesaid.

Form of Conviction.

And the said Justice or Justices before whom such Conviction shall be had, shall cause the same, so drawn up in the Form or to the Effect aforesaid, to be fairly written upon Parchment, and transmitted to the next, General or General Quarter Ses-

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 To be filed. sion of the Peace to be held for the County, Riding, Division City, Town, Liberty, or Place wherein such Conviction was had, to be filed and kept amongst the Records of the said General or Quarter Session; and in case any Person or Persons so convicted shall appeal from the Judgment of the said Justice or Justices to the said General or Quarter Session, the Justices in such General or Quarter Session are hereby required, upon receiving the said Conviction drawn up in the Form or to the Effect aforesaid, to proceed to the Hearing and Determination of the Matter of the said Appeal at such next Session, and not afterwards, according to the Directions of this Act; any Law, Custom, or Usage to the contrary notwithstanding; and no *Certiorari* shall be granted to remove any Conviction or other Proceedings had thereon in pursuance of this Act.

Appeal.

XXXV. Provided always, and it is hereby further enacted, That if any Person convicted of any Offence or Offence punishable by this Act, shall think himself or herself aggrieved by the Judgment of the Justice or Justices before whom he or she shall have been convicted, such Person shall have Liberty to appeal to the Justices at the next General or Quarter Session of the Peace which shall be held for the County, Riding, Division, City, Liberty, Town, or Place where such Judgment shall have been given, and that the Execution of the said Judgment shall in such Case be suspended, the Person convicted entering into a Recognizance at the Time of such Conviction, with two sufficient Sureties, in double the Sum which such Person shall have been adjudged to pay or forfeit, upon Condition to prosecute such Appeal with Effect, and to be forthcoming to abide the Judgment and Determination of the Justices in their said next General or Quarter Session, and to pay such Costs as the said Justices in such Session shall award on such Occasion, which Recognizance the said Justice or Justices before whom such Conviction shall be had, and are hereby empowered and required to take; and the Justices in the said General or Quarter Session are hereby authorized and required to hear and finally determine the Matter of the said Appeal, and to award such Costs as to them shall appear just and reasonable to be paid by either Party; and if, upon the Hearing of the said Appeal, the Judgment of the Justice or Justices before whom the Appellant shall have been convicted shall be affirmed, such Appellant shall immediately pay the Sum which he or she shall have been adjudged to forfeit, together with such Costs as the Justices in the said General or Quarter Session shall award to be paid for defraying the Expences sustained by the Defendant or Defendants in such Appeal, or in Default of making such Payment shall suffer the respective Pains and Penalties by this Act inflicted upon Persons respectively who shall neglect to pay, or shall not pay the respective Sums or Forfeitures by this Act to be paid by or imposed upon Persons respectively who shall be convicted by virtue of this Act.

XXXVI. And be it further enacted, That this Act shall be deemed a public Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without the same being specially pleaded. (3.)

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Publick Act.

(3.) Considering the great Frauds and Oppressions which Pawnbrokers have an Opportunity of practising, and the Facility which they afford to the disposing of stolen Goods, I apprehend that it would be very beneficial to subject them to discretionary Licenses by Justices of Peace.













